

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 19-CR-286(AMD)

Plaintiff, :

-against- : United States Courthouse
Brooklyn, New York

ROBERT SYLVESTER KELLY, :

Defendant. : September 1, 2021
9:30 a.m.

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TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE ANN M. DONNELLY
UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

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Acting United States Attorney
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Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

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1 (In open court; jury not present.)

2 (Parties present.)

3 THE CLERK: All rise.

4 THE COURT: Everybody can sit down.

5 All right. Anything before we get the witness?

6 MS. SHIHATA: Your Honor there is one thing I wanted
7 to bring to the Court's attention.

8 THE COURT: Okay.

9 MS. SHIHATA: It's come to the government's
10 attention that in the overflow room there have been,
11 throughout the trial, audible negative reactions to testimony
12 and -- including yesterday. And that yesterday at the end of
13 the trial day, the father of the witness who was testifying
14 was leaving with another family member, a nephew or a cousin,
15 I'm not sure, that an individual, as they were leaving, told
16 the father -- called the witness a stupid b-i-t-c-h. And so I
17 just wanted to bring it to the Court's attention. The
18 government, and I am sure the defense would agree, have used
19 the overflow room as an extension of this courtroom, and if
20 the Court would be willing to remind people in the room that
21 the same decorum that's required in this physical courtroom is
22 also what's proper in the overflow room.

23 THE COURT: Well, that is true, you can lose your
24 permission to be in the overflow room if you do not treat
25 other people with respect and act like you are in a

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1 courthouse. So to the extent that is happening, it has to
2 stop.

3 Anything the defense wants to say about that?

4 MR. CANNICK: No.

5 THE COURT: All right. Anything else before we get
6 the witness?

7 All right. I take it somebody brought that to the
8 attention of the court security officers or the marshals?

9 MS. SHIHATA: Yes, I believe so.

10 THE COURT: I also just have to say, their job is
11 hard enough. If people cannot behave with respect and decorum
12 in the courtroom, we will see that they do not come in
13 anymore.

14 All right. Let's get the witness.

15 (Witness enters the courtroom.)

16 THE CLERK: All rise.

17 (Jury enters the courtroom.)

18 THE CLERK: You may be seated.

19 THE COURT: All right. Good morning, everybody. I
20 hope you had a good night. We are ready to resume with the
21 direct examination of the witness.

22 Go ahead, Ms. Shihata.

23 THE CLERK: The witness is reminded she is still
24 under oath.

25 You don't have to stand, just acknowledge.

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1 THE WITNESS: Yes.

2 CONTINUING DIRECT EXAMINATION

3 BY MS. SHIHATA:

4 Q Good morning.

5 A Good morning.

6 Q Now, at the end of the court session yesterday, you were
7 testifying about a trip to Los Angeles that the defendant's
8 assistant Diana made your travel arrangements for, correct?

9 A Correct.

10 Q And the defendant paid for that trip, correct?

11 A Correct.

12 Q Now, you testified yesterday that prior to that trip you
13 traveled to Dallas and saw the defendant there; is that right?

14 A Correct.

15 Q And you testified that it was in Dallas that you had a
16 conversation where the defendant told you about other girls
17 that he had been, to use his word, raising, correct?

18 A Correct.

19 Q And that's where you first met an individual introduced
20 to you as Joy; is that right?

21 A Correct.

22 Q Now, yesterday you testified about a time you were in the
23 Sprinter van with Joy and the defendant; is that right?

24 A Correct.

25 Q And during your time in the Sprinter with Joy and the

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1 defendant, did you have any opportunity to observe their
2 interactions?

3 A I did.

4 Q And what, if anything, did you observe?

5 A Their interaction was very unnatural, almost. Anything
6 he said, even if it had no humor to it, she got this odd
7 smile. Or if he laughed, she laughed even louder. He pulled
8 out a cigar, she's lighting it. He wants to hear music, she's
9 playing it. Anything -- any demand he really had, she was
10 just on it. Anything he said, she's at his attention,
11 listening, very just on him.

12 Q Now, you also testified yesterday about a time that you
13 and Joy were alone in the Sprinter in the back; is that right?

14 A Correct.

15 Q And you testified about needing to use the bathroom while
16 you were in the back with Joy, correct?

17 A Correct.

18 Q And what do you recall Joy telling you about that when
19 that happened?

20 A That I had to ask to use the bathroom.

21 Q And I think you testified yesterday that you also tried
22 to open the door to the Sprinter and it wouldn't open; is that
23 right?

24 A Correct.

25 Q Now, yesterday you testified about -- you also testified

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1 about -- or you were also -- you testified about and you were
2 shown text messages between you and the defendant where you
3 were keeping him apprised of where you were and what you were
4 doing even when you weren't physically with him; is that
5 right?

6 A Correct.

7 Q And why did you do that?

8 A Those were his rules.

9 Q Now, I think where we left off yesterday, you were
10 testifying -- you had just testified about being in L.A.
11 outside the studio in a Sprinter; is that right?

12 A Correct.

13 Q And you testified about needing to use the bathroom when
14 you were in the Sprinter in L.A. as well, correct?

15 A Correct.

16 Q And again, who did you contact when you needed to use the
17 bathroom?

18 A Diana Copeland.

19 Q And why did you contact Diana Copeland?

20 A Because R. Kelly told me to contact her. Whenever I
21 needed anything, she was his assistant.

22 Q And did you feel like you could just open the door and
23 leave the Sprinter?

24 A No.

25 Q Why not?

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1 A Because I had to wait for somebody to come open it.

2 Q Now, you testified that at some point Diana did take you
3 to the bathroom inside the studio, correct?

4 A Correct.

5 Q And what did she do when -- after taking you to the
6 bathroom?

7 A Once we got to the bathroom, she waited outside the stall
8 for me to finish, sat there while I washed my hands, escorted
9 me back to the Sprinter.

10 Q So she physically went inside the bathroom with you?

11 A Yes.

12 Q Did she use the bathroom?

13 A No.

14 Q And then she escorted you back to the Sprinter?

15 A Correct.

16 Q Yesterday you testified that at some point Diana took you
17 from the Sprinter to a room at the studio; is that right?

18 A Correct.

19 Q In L.A.?

20 A Yes.

21 Q And you testified that initially at some point the
22 defendant came in the room quickly and left?

23 A Correct.

24 Q And then that you waited there for several hours; is that
25 right?

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1 A Correct.

2 Q I'm going to show you what's in evidence as Government
3 Exhibit 208(b).

4 Now, these are, again, texts between you and Diana?

5 A Correct.

6 Q And I think you testified yesterday about the text about
7 the bathroom that are on this page of the exhibit, so I won't
8 go over that again, but is there another text where you write
9 "Can I leave back to the room lol or he wants me to wait?"

10 A Correct.

11 Q And what room -- where were you when you sent that text?

12 A I was in the studio still waiting on him.

13 Q And when you say "back to the room," what were you
14 referring to?

15 A My hotel room.

16 Q And Diana responds about an hour later, "please wait," is
17 that right?

18 A Correct.

19 Q Now, by the way, the text in Government Exhibit 208(b)
20 between you and Diana, you provided those to the government;
21 is that right?

22 A Correct.

23 Q And do you recall in what manner you provided them to the
24 government?

25 A I provided the screen recording of my text between me and

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1 Diana.

2 Q And do you recall where you were when you provided the
3 screen recording?

4 A In New York.

5 Q Was that in the presence of agents?

6 A Correct.

7 Q And the time stamps in this exhibit, this screen
8 recording, was that in the local time where you were when you
9 made the screen recording?

10 A Correct.

11 Q So in New York time?

12 A Correct.

13 Q Now, why was it that you wrote -- that you texted Diana
14 to ask her if you could leave the room?

15 A Because I had to get permission whenever I needed to go
16 somewhere. Diana was the one to take me wherever I needed to
17 go, call an Uber if I needed to go somewhere.

18 Q And according to who did you need permission for such
19 things?

20 A According to R. Kelly, you needed his permission.

21 Q Now, I think where we left off yesterday, you talked
22 about that after several hours, the defendant came into the
23 room you were in again; is that right?

24 A Correct.

25 Q And what, if anything, did he say when he came back into

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1 the room?

2 A Once he came back into the room he had told me that had I
3 stood up or showed some type of excitement about him entering
4 the room, that he would have came back sooner.

5 Q Was he referring to the first time he came into the room?

6 A Correct.

7 The first time he quickly came in the room, I didn't
8 get up, I didn't say "hey, Daddy." I didn't show any type of
9 excitement. So the second time when he came back, hours
10 later, he let me know that that was why.

11 Q And what happened next?

12 A Shortly after that, he came in. He -- I was sitting on
13 the couch, so he had told me to come over to where he was
14 across the room. There was a piano right there, maybe like
15 two little rollie chairs, and he sat in the chair. And he
16 told me to take my clothes off again and walk back and forth.
17 I had told him that I was on my period. I wasn't at the time,
18 but I told him I was.

19 Q Why did you tell him you were on your period if you
20 weren't?

21 A I didn't want to have sex with him.

22 Q All right. So you testified he told you to take your
23 clothes off?

24 A Correct.

25 Q And what, if anything, did you do?

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1 A I had told him that I was on my period. He let out this
2 sigh. He was like "Well, why did you come?" I said, "You
3 wouldn't want me to come just because I was on my period?" He
4 nodded his head. He said, "Take off your pants." I took off
5 my pants -- I had on a body suit -- and he told me to walk
6 back and forth three times, keep on my shoes, and I did.

7 Shortly after that, he paused for a minute and we
8 went into one of the other rooms inside of the studio.

9 Q I'm going to show you -- I am showing you what's in
10 evidence as Government Exhibit 946(d).

11 Do you see the smaller room you're referring to
12 here?

13 A Correct.

14 Q And can you describe where in the picture the room you're
15 referring to is?

16 A It is the room on the left of the piano with the square
17 window next to it.

18 Q This room right here?

19 A Correct.

20 Q All right. And what happened next?

21 A After I walked back and forth three times, he told me to
22 come into the room. I kind of like hesitated when I entered
23 the room because when I looked, there was about like -- the
24 room is not that big, also. So probably the room is about
25 from here to maybe like that third -- well, there's computers

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1 right here. It's like that third computer, so where that cart
2 is. It's not that big at all. And it was two chairs and like
3 an ottoman-looking thing. And there was a gun.

4 Q So just a moment.

5 You described the size of the room and you said it
6 was from kind of the corner where you are at to the cart, the
7 first cart in the courtroom?

8 A Yes.

9 Q Can you estimate approximately how many feet that is
10 or...

11 A I'm not going to lie to you, I can't. It's just a small
12 room.

13 Q Okay.

14 A Almost like closet size. Maybe like a walk-in closet
15 size. Maybe that's a better description.

16 But when I entered the room, there was a gun right
17 in the middle, an ottoman, and I kind of hesitated. And he
18 walked over and he was like "don't look at it." So I looked
19 away and I kind of gave a weird look. He didn't say anything
20 different. He said, "Come in the room." Came in the room.
21 His demeanor changed. He got real serious. So I'm just
22 seeing what's about to happen. I'm not really knowing where
23 he's going with this or what he's about to ask me. And he
24 sits down in a chair and he tells me to go stand across from
25 him. So he's sitting and he's looking at me. He had moved

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1 the gun by him. It was still next to him, but not to where I
2 could see it. So he's looking at me and he says, "I want to
3 ask you a question." I said, "Yes?" He paused. Before he
4 got into the questions, at this point I'm still in my body
5 suit, my boobs are kind of out. He gets his iPad and he is
6 like "pose." And he starts taking pictures. "Pose, pose."
7 He was like "you're not being sexy." Again, I'm trying to
8 change my body, I'm trying to change my face. He's like
9 "you're not being sexy enough." And I could tell he just got
10 kind of irritated with me.

11 So after that, I stepped back. He said he had
12 something to ask me and I said "Yes?" He said, "How many men
13 have seen you naked?" I just literally said a number. And he
14 said, "Okay. How many male friends do you have?" I have a
15 lot of male friends, I know a lot of people; I just gave a
16 random number like ten. He said, "How many of those male
17 friends have seen you naked?" I said, "None of my male
18 friends have seen me naked. They're really my male friends."
19 And he paused. He said, "You want to take that back?" I'm
20 like -- of course I'm like no, even though if I did know the
21 exact number I just wasn't going to take it back because I
22 didn't know what reaction I was going to get if I did. So I
23 said no and he paused. He had this real like stern look on
24 his face. He just paused for a minute and he was like, you
25 know -- he said, "Me and your father, we have the same gift."

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1 He said he had the spiritual discernment so that I would know
2 -- he would know if I was lying to him. And that kind of took
3 me aback because me and him had never discussed my father
4 besides the first time we met with me and my sister; we said
5 we were pastor's kids. You know, that was it. But that kind
6 of took me aback, that he said spiritual discernment. So I
7 said, "Okay, I'm not lying," even though I knew I was. After
8 that he just gave me that look. He kind of has this look when
9 he's grilling you down. He just gets real serious.

10 So after that, he got up. There was a little pillow
11 on the chair. He put the pillow on the floor. He told me to
12 get on my knees. I did. And he pulled out his penis, grabbed
13 my neck again and told me to suck his dick.

14 Q Where was the gun at this point?

15 A Right where he had left it, in his seat.

16 Q When you saw the gun in the room and when he kept it next
17 to him, how did that make you feel?

18 A Intimidated. I really just -- at that point, like, I was
19 like okay, he's unpredictable, because how do we go from this
20 to that?

21 Q Now, you said he grabbed -- he pulled his penis out and
22 grabbed you. Where did he grab you?

23 A He grabbed the back of my neck forward. Once I was on my
24 knees, he grabbed my neck forward to make -- so my mouth made
25 contact with his penis.

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1 Q Did you want to be giving him oral sex?

2 A No.

3 Q And while his penis was in your mouth, where was his
4 hand?

5 A On the back of my neck, guiding.

6 Q And did it stay there throughout?

7 A Yes.

8 Q Now, you testified earlier that you were wearing a body
9 suit that day and that he had asked -- and that you had taken
10 off your pants; is that right?

11 A Correct.

12 Q When he told you to, correct?

13 A Correct.

14 Q Can you just explain to the jury what you mean by "body
15 suit"?

16 A A body suit is a one-piece, like a leotard. It's not a
17 top. It's like one whole piece.

18 Q Now, you testified a moment ago about certain questions
19 the defendant asked you in that small room within the studio.
20 What, if anything, did the defendant say to you about
21 consequences if you didn't answer?

22 A He just said that there would be an issue if I didn't
23 answer the questions truthfully. When we were in that
24 setting, his demeanor was just real serious and I felt like he
25 still was upset about the whole me not getting up thing.

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1 Also, when we were having that conversation where he
2 was questioning me, he had let me know that he likes a woman
3 that reminds him of a puppy, his daughter or his mom. He said
4 that when it came to sex, when it came to pleasing him, that I
5 need to be excited like a puppy would when they see their
6 owner or like a little girl is when she sees her dad.

7 Q And when the defendant was telling you these things, what
8 was his tone?

9 A Stern, serious. There was no smiling, no laughing, dead
10 in my eye, straight contact.

11 Q When you were in that smaller room and the events you
12 just described took place, did you feel like you could leave?

13 A No.

14 Q Why not?

15 A I was under his rules and he had a weapon, so I wasn't
16 even going to step out of line.

17 Q What happened after the oral sex?

18 A After the oral sex, he proceeded to tell me to get
19 dressed. And he laid on the couch, I sat in the chair, he
20 went to sleep.

21 Q And where were you at that point when he was laying on
22 the couch and --

23 A We were outside in the smaller room. We were in the
24 recording part of the studio where the microphone and the
25 piano was. There was a big couch. He just laid down and he

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1 went to sleep.

2 Q At some point after that, did you need to use the
3 bathroom?

4 A Yes.

5 Q And what, if anything, did you do?

6 A I woke him up and I told him I had to use the bathroom.
7 He said, "You know where it is, right?" I said yes. He said,
8 "Okay. Make sure you don't talk to nobody. Go straight to
9 the bathroom and come back."

10 Q And why did you wake the defendant up to use the bathroom
11 if you knew where it was already?

12 A I didn't want to just leave and upset him without him
13 knowing where I was going.

14 Q Was it part of his rules?

15 A Correct.

16 Q Now at some point did you return to your hotel?

17 A Yes.

18 Q And how did that come about?

19 A When he woke up, he told me to text Diana and tell her to
20 call a car and I would see him later.

21 Q And did you, in fact, do that?

22 A I did.

23 Q Now, did you see the defendant again during your trip to
24 L.A.?

25 A Yes, I did.

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1 Q And when did you see him again?

2 A I saw him before my flight back out to Texas.

3 Q And was that -- actually, withdrawn.

4 Where did you see him again?

5 A At the studio.

6 Q The same studio you had been in before?

7 A Correct.

8 Q And how did you get to the studio that time?

9 A Diana had called an Uber to pick me up and take me to the
10 studio.

11 Q And what happened when you arrived at the studio?

12 A Once I got to the studio, it was just him and I. Again,
13 Diana walked me to the room. She was already there -- excuse
14 me -- so I met her at the door. She walked me to where he
15 was.

16 This time he was listening to his music, so I caught
17 him in the middle of just working. We were sitting down. He
18 didn't ask me -- this time he didn't ask me to strip as soon
19 as I walked through the door. This time he was a little more
20 calm, it seemed like. He wasn't hypersexual. Like what
21 happened yesterday, it didn't seem to affect today, so I
22 didn't really get a bad feeling. He was playing me music. He
23 had offered me something to drink. That was, I would say, a
24 better moment. It didn't feel as forced. It felt natural at
25 the time.

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1 Not long though into the conversation he just
2 reminded me again, like he was like "I still have a lot to
3 teach you." And in the middle of our interactions, we were
4 listening to his music, he gets up and he just puts out his
5 iPad and he starts recording us. And we're -- he's like "come
6 sit next to me." So I was sitting next to him or across from
7 him and he's just like "okay, rub Daddy's head, look at me."
8 Like he's directing my movements, just sitting there. He's
9 telling me to sit up straight again and -- okay, and he's like
10 "just stare at me." So what I thought was, like, a better
11 moment, it just kind of got like really awkward.

12 Q And what room were you in when these events transpired?

13 A We were in the studio.

14 Q The same room that you had initially been taken to the
15 day before?

16 A Correct.

17 MS. SHIHATA: I'm showing the witness only a CD
18 containing Government Exhibits 327(a) and 327(b).

19 Q Prior to your testimony today, did you have an
20 opportunity to review the contents of this CD?

21 A Yes, I did.

22 Q And after reviewing the contents of this CD, did you
23 initial the CD?

24 A I did.

25 Q Are these your initials here?

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1 A Correct.

2 MS. SHIHATA: I move to admit Government Exhibits
3 327(a) and (b).

4 THE COURT: Any objection?

5 MR. CANNICK: Just one second, please.

6 THE COURT: Okay.

7 MS. SHIHATA: And, actually, I can ask some more
8 foundational questions.

9 Q So you testified a moment ago about a video recording
10 that the defendant made of you while you were at the studio
11 the second day; is that right?

12 A Correct.

13 Q Prior to -- actually, withdrawn.

14 And that was in the studio room while you were
15 sitting interacting with him?

16 A Correct.

17 Q And the contents of Government Exhibit 327A and 327(b)
18 that you reviewed, did you recognize the videos in -- on that
19 CD?

20 A I'm sorry, can you repeat the question?

21 Q Sure. Sorry.

22 Did you recognize -- after viewing the videos on
23 Government Exhibits -- on this CD, did you recognize where
24 they were taken?

25 A Correct.

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1 Q And did you recognize who was in them?

2 A Correct.

3 Q And based on your review, where did you recognize the
4 videos as having been taken?

5 A They were taken by him on his iPad. They were from his
6 iPad.

7 Q Did you recognize where physically you were?

8 A Correct. In the studio in L.A.

9 Q And who did you see in the videos?

10 A R. Kelly and I.

11 THE COURT: All right. Any objection to this coming
12 into evidence?

13 MR. CANNICK: No.

14 THE COURT: Okay. It is in evidence.

15 MS. SHIHATA: Thank you, Your Honor.

16 (Government Exhibits 327(a) and 327(b) were received
17 in evidence.)

18 THE COURT: Is this -- are you playing it?

19 MS. SHIHATA: I will be playing it.

20 THE COURT: Do you want it to be jury only?

21 MS. SHIHATA: These don't need to be jury only,
22 Judge.

23 THE COURT: Okay.

24 (Pause.)

25 Q So I am going to start first with Government Exhibit

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1 327(b).

2 You testified you had an opportunity to review that
3 prior to your testimony here today, correct?

4 A Correct.

5 Q And is that video approximately 20 minutes long?

6 A Correct.

7 Q All right. The whole video is now in evidence. I am not
8 going to play the whole video. I am just going to play
9 certain portions of it. Okay?

10 A Okay.

11 MS. SHIHATA: All right.

12 (Pause.)

13 Your Honor, this may -- I know it's a little soon,
14 but I think we're having some technical difficulties.

15 THE COURT: That IS okay. Do you want to move on to
16 something else and come back to it?

17 MS. SHIHATA: Sure.

18 THE COURT: Okay. I am also just going to remind
19 the jury. I think I told you this before, but any item of
20 evidence, you will be able to see in the course of your
21 deliberations.

22 But if you move on to something else, we will see if
23 we can work it out. Okay?

24 MS. SHIHATA: Yes, Your Honor.

25 Q So we'll come back to that.

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1 Now, after what you just described at the studio,
2 did you go back home?

3 A Yes, I did.

4 Q To San Antonio?

5 A Correct.

6 Q And what, if any, communications did you have with the
7 defendant after returning to San Antonio?

8 A Same; phone calls, texting, FaceTime.

9 Q And did you travel to see the defendant one more time
10 after that?

11 A Correct.

12 Q And where did you end up traveling to?

13 A I went to New York.

14 Q And around when was that?

15 A Around February of 2018.

16 Q And why did you travel to New York?

17 A I had traveled to New York to see Mr. Kelly.

18 Q And why did you decide to do that on that occasion?

19 A On this time I really was just like let me see how it's
20 going to go one last time. It had been a couple of weeks
21 since I seen him in L.A., so I wanted to see how this time was
22 going to be.

23 Q And who booked your flights to New York?

24 A Diana Copeland.

25 Q Who paid for your flights?

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1 A R. Kelly.

2 Q And where did you fly from to New York?

3 A I flew from San Antonio to New York.

4 Q And when you say "New York," are you referring to
5 New York City?

6 A Correct.

7 Q And after you arrived in New York, where did you go?

8 A I went to the Mondrian Hotel.

9 Q And how did you know to go to the Mondrian Hotel?

10 A Diana had texted me and arranged for the Uber to pick me
11 up and take me to the airport -- I mean, excuse me, to the
12 hotel.

13 Q I am showing you page -- what's in evidence as Government
14 Exhibit 208(b), page 76.

15 Again, are these texts between you and Diana?

16 A Correct.

17 Q And at the top, is there kind of an Uber map that she
18 sent you of the car?

19 A Correct.

20 Q And in blue, are you texting her "it's the Mondrian"?

21 A Correct.

22 Q And she responds, "Yes. Stand by in the lobby for just a
23 moment, please." And thereafter says, "Go to the 18th floor."
24 Is that right?

25 A Correct.

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1 Q And the Mondrian, is that in Manhattan?

2 A Correct.

3 Q And did you, in fact, go to the 18th floor?

4 A I did.

5 Q And after you arrived on the 18th floor, who, if anyone,
6 did you see?

7 A Diana met me on the 18th floor. And she had the key to
8 his hotel suite and she let me in.

9 Q When you say "his hotel suite," who are you referring to?

10 A R. Kelly.

11 Q After Diana took you to his hotel suite -- well, first,
12 was that on the 18th floor?

13 A Yes.

14 Q And after she took you there, what did she do?

15 A She opened the door for me and let me in.

16 Q And did she stay or leave?

17 A She left.

18 Q Was anyone in the suite when you arrived?

19 A No.

20 Q And after you arrived, did you stay in the suite?

21 A Yes.

22 Q Did you go anywhere?

23 A No.

24 Q Why?

25 A Don't leave anywhere without his permission.

Faith - Direct - Shihata

2264

1 Q The defendant's?

2 A Correct.

3 Q Now, at some point did you end up seeing the defendant?

4 A I did.

5 Q And when was that?

6 A So I had got there like late, early morning, maybe like
7 1:00 a.m. He came in around 8:00 a.m.

8 Q And what happened -- well, when he came in, what were you
9 doing?

10 A Sleep.

11 Q And what happened after the defendant came into the room?

12 A He knocked and I came to the door. Of course I was
13 yawning. And he was like "you're going to have to get used to
14 my schedule." Again he asked me to take off my clothes.
15 Again I did. He comes in this time -- this time his energy
16 was just like -- it was just a little more hyper. He came in,
17 he was smiling. He had a smile on his face. And he said,
18 "You don't miss me? You're not acting like you miss me." And
19 any time, you know, my reaction wasn't the way he wanted, he
20 just let out that deep sigh, like. He opened the curtains,
21 let all the light in at 8:00 in the morning and he said I
22 wasn't acting like I miss him, so he asked me to give him a
23 hug again. I gave him a hug. I kissed him. My kiss, it
24 wasn't what he liked again. He told me to kiss him again the
25 right way, so I did again.

Faith - Direct - Shihata

2265

1 After that he got right into it, put out his iPad.
2 He told me to pose again. He said I wasn't being sexy. He
3 said, "You're not being sexy." He said, "Okay, let's try
4 something else." He said, "Okay, I want you to play with
5 yourself." And I just couldn't do it. I was like "I can't do
6 that." Again, a sigh of dissatisfaction, like.

7 So after that I follow him to the bedroom.

8 Q Can you hold on one moment?

9 The suite, could you describe how many rooms it was
10 and what the layout was?

11 A So when you walk into the suite, it's like a living area,
12 there's a TV. And then there is a room with the bathroom and
13 there's a chair and a TV in there as well.

14 Q And the events you just described, where in the suite did
15 those take place?

16 A We were in the front part of the living area.

17 Q And then what happened next?

18 A I followed him into the bedroom. He asked me to lie on
19 my back. And right away he just -- he plays with himself for
20 a little bit and then he starts to penetrate me. My whole
21 body language just was off. I was clenching on purpose and I
22 knew he could feel it because he kept trying to enter. And it
23 was literally to the point where he was getting frustrated
24 that he couldn't get inside me, he started grunting. And
25 after a while, like maybe, like, a minute of just tussling

Faith - Direct - Shihata

2266

1 with me but we're in silence, like I'm not saying anything,
2 I'm just clenching up. And he's telling me to relax, I'm not
3 relaxing. I'm not telling him I'm not relaxing though, I'm
4 just clenching. And I could tell he was getting upset. So he
5 kind of let out that last, and he sat up. Like, he sat up.

6 So when he got up, I just got up, I didn't say
7 anything and I went in the living room, and there was a chair
8 that we could still see each other through the door. I wasn't
9 saying anything. I knew I had pissed him off. I knew I had
10 pissed him off, so I just didn't say anything.

11 And he got his iPad -- he already was recording us.
12 He got his iPad and he literally started jacking off, but it
13 was like high speed. Like, the way he was masturbating was,
14 like, so fast, it was like an itch, like he had to scratch.
15 And he turned the volume up on loud. So as I am sitting here,
16 I can hear him watching other females on the iPad. And I know
17 he's in the video because I can hear him saying the names of
18 the women who are on the iPad.

19 Q Now, without saying the names of the women that you could
20 hear on the iPad or hear him saying on the iPad video he was
21 watching, do you recall the names you heard?

22 A Yes.

23 MS. SHIHATA: I'm showing the witness only what's
24 been marked for identification as Government Exhibit 954 and
25 then I will also show Government Exhibit 955.

Faith - Direct - Shihata

2267

1 Q So showing you first 954, was that one of the names that
2 you heard the defendant say on the video that he was watching?

3 A Correct.

4 Q And now showing you Government Exhibit 955, was that
5 another name you heard him say on the video?

6 A Correct.

7 MS. SHIHATA: The government moves to admit
8 Government Exhibits 954 and 955.

9 MR. CANNICK: No objection.

10 THE COURT: All right. Those are in evidence.

11 (Government Exhibits 954 and 955 were received in
12 evidence.)

13 Display to jury only?

14 MS. SHIHATA: Yes, Your Honor.

15 And publishing first to the jury only, Government
16 Exhibit 955.

17 And, actually, 954 doesn't need to be to the jury
18 only.

19 THE COURT: Okay.

20 Q Now, Government Exhibit 954, is that the name Joy?

21 A Correct.

22 Q And was that the individual that the woman that the
23 defendant introduced you to in Dallas?

24 A Correct.

25 Q Now, you testified a moment ago that you were clenching

Faith - Direct - Shihata

2268

1 your body while the defendant was trying to penetrate you.

2 Why were you clenching your body?

3 A I didn't want to have sex with him.

4 Q And you indicated that he was getting frustrated; is that
5 right?

6 A Yes.

7 Q Now, was the defendant able to fully penetrate you?

8 A No.

9 Q Was he able -- was he, nonetheless, putting his penis
10 somewhat inside your vagina?

11 A Yes.

12 Q Now, after you -- well, you testified you saw the
13 defendant masturbating to the video, to a video that he was
14 in, and using the two names we just discussed; is that right?

15 A Correct.

16 (Continuing on the next page.)

17

18

19

20

21

22

23

24

25

Faith - direct - Shihata

2269

1 EXAMINATION CONTINUES

2 BY MS. SHIHATA:

3 Q And what, if anything, happened after that?

4 A After that, he had told me that I needed to be like them
5 and he called me back into the room. He ordered food, he
6 ordered room service. He had asked me if I wanted something;
7 I said: No. He kinda just said: Okay.

8 He laid down and he said, he asked me if I knew how
9 to give a massage. And I said: I think so. He said: It's a
10 yes or no question. I said: Yes. He said: Come rub my
11 back. And he literally went to sleep within maybe minutes of
12 me doing that.

13 Q Now, at any point before the defendant was putting his
14 penis inside you that day, had he told you he had herpes?

15 A No.

16 Q Or any other sexually-transmitted disease?

17 A No.

18 Q Did he use a condom that day?

19 A No.

20 Q Now, earlier you testified these events that you just
21 described all occurred at the Mondrian Hotel in Manhattan, is
22 that right?

23 A Correct.

24 MS. SHIHATA: I'm showing the witness only what's
25 been marked for identification as Government Exhibit 514(a).

SAM

OCR

RMR

CRR

RPR

Faith - direct - Shihata

2270

1 BY MS. SHIHATA:

2 Q Do you recognize this photo?

3 A Correct.

4 Q And what do you recognize this photo to be?

5 A The Mondrian.

6 Q And is that the hotel where the events you just described
7 took place?

8 A Correct.

9 MS. SHIHATA: I move to admit Government
10 Exhibit 514(a).

11 MR. CANNICK: No objection.

12 THE COURT: All right, that's in evidence.

13 (Government's Exhibit 514(a) was received in
14 evidence.)

15 MS. SHIHATA: And may we publish it?

16 THE COURT: Yes.

17 (Exhibit published.)

18 BY MS. SHIHATA:

19 Q Now, you also described the events occurring on a suite
20 on the 18th floor of the Mondrian, is that right?

21 A Correct.

22 MS. SHIHATA: I'm showing the witness only what's
23 been marked for identification as Government Exhibits 514(c)
24 through (i).

25 And may I approach, Your Honor?

SAM

OCR

RMR

CRR

RPR

Faith - direct - Shihata

2271

1 THE COURT: Yes.

2 BY MS. SHIHATA:

3 Q Can you just take a moment to look through those, the
4 pages of that exhibit?

5 A (Witness complies.)

6 Q And do you recognize what's depicted in Government
7 Exhibits 514(c) through (i)?

8 A Yes.

9 Q And what is depicted in those photographs?

10 A The hotel suite I was in.

11 Q At the Mondrian?

12 A Correct.

13 MS. SHIHATA: The Government moves to admit
14 Government Exhibits 514(c) through (i).

15 MR. CANNICK: No objection.

16 THE COURT: Okay, that's in evidence.

17 (Government's Exhibits 514(c) through 514(i) were
18 received in evidence.)

19 BY MS. SHIHATA:

20 Q All right, I am showing you what's in evidence as 514(c).

21 (Exhibit published.)

22 Q Is that the entrance to the suite?

23 A Correct.

24 Q And do you see, is that the living area you testified
25 about earlier?

SAM

OCR

RMR

CRR

RPR

Faith - direct - Shihata

2272

1 A Correct.

2 Q I am now showing you 514(d).

3 (Exhibit published.)

4 Q Is this another view of that living area?

5 A Correct.

6 Q And 514 again, the living area, 514(e)?

7 (Exhibit published.)

8 A Correct.

9 Q And now I'm showing you 514(f).

10 (Exhibit published.)

11 Q What's depicted here?

12 A The hotel suite.

13 Q And the doorway that you see, what does that enter into?

14 A The actual hotel room.

15 Q The bedroom area?

16 A Correct.

17 Q And you testified earlier you were sitting on a chair in
18 the living room area when you saw the defendant masturbating
19 and watching a video on his iPad, is that right?

20 A Correct.

21 Q Do you see where you were in the room at that time?

22 A Correct.

23 Q Where were you?

24 A Right in that corner where that chair is.

25 Q I am showing you Government Exhibit 514(g).

SAM

OCR

RMR

CRR

RPR

Faith - direct - Shihata

2273

1 (Exhibit published.)

2 Q Is this just another view of the chair area and the
3 entrance to the bedroom area?

4 A Correct.

5 Q And I am showing you Government Exhibit 514(h).

6 (Exhibit published.)

7 Q Is this the bedroom area?

8 A Correct.

9 Q And I am showing you 514(i).

10 (Exhibit published.)

11 Q Is this another photograph of the bedroom area?

12 A Correct.

13 Q And just to be clear, fair to say that these are
14 photographs of the hotel room, but not from the day you were
15 there; is that right?

16 A Correct.

17 Q Now, you testified a moment ago about rubbing the
18 defendant's back and then his falling asleep, is that right?

19 A Correct.

20 Q What happened after that?

21 A Shortly after he fell asleep, his phone had kept going
22 off, just kept ringing, like, nonstop. Just kept going off,
23 going off. I had maybe shook him a couple of times, told him
24 his phone was ringing, he didn't say anything. It just kept
25 going off and going off and going off, so I picked it up.

Faith - direct - Shihata

2274

1 And when I picked the phone up, it was like a whole
2 group thread and one of the person's name was Mommabear.

3 MR. CANNICK: Objection.

4 THE COURT: Overruled.

5 BY MS. SHIHATA:

6 Q You can continue.

7 A I picked the phone up and there was a whole group text
8 and it was like multiple numbers. And it was one contact that
9 said, like, Mommabear and it had a family emoji next to it,
10 and it was like a group text. And some numbers were saved,
11 some numbers weren't. They were all women. And that kind
12 of --

13 MR. CANNICK: Objection.

14 THE COURT: I can't hear you. Are you objecting?

15 MR. CANNICK: Yes.

16 THE COURT: Okay, overruled.

17 BY MS. SHIHATA:

18 Q Go ahead.

19 THE COURT: Are you still -- I hear noises. I don't
20 know what you want.

21 Do you want a sidebar?

22 MR. CANNICK: Yes, why not.

23 THE COURT: Okay, let's have the court reporter come
24 over.

25 (Discussion off the record.)

Faith - direct - Shihata

2275

1 THE COURT: I think we decided we don't need the
2 sidebar.

3 MR. CANNICK: Thank you, Your Honor.

4 MS. SHIHATA: All right, you can continue with your
5 answer.

6 A I had noticed that there was a whole bunch of numbers,
7 including some unsaved numbers and one that said Mommabear and
8 it had a family emoji. And then I could see multiple phone
9 calls, Facetimes, like they were back to back to back to back.

10 And I looked at his other phone, he had multiple
11 phones, and it was the same thing -- back to back to back to
12 back in group text and this Mommabear.

13 And it kinda startled me, confused me a little bit,
14 like the Mommabear. I know he had said it was like a family,
15 but that kinda just, like, put it in this is really happening
16 and I don't want to be a part of this.

17 I had took a picture on my phone of it, and after
18 that his phone was going off and there was a knock at the door
19 and it was Diana.

20 MS. SHIHATA: All right, I am showing the witness
21 only what's been marked for identification as Government
22 Exhibit 239.

23 BY MS. SHIHATA:

24 Q Do you recognize this?

25 A I do.

SAM

OCR

RMR

CRR

RPR

Faith - direct - Shihata

2276

1 Q And what is there?

2 A A picture I took of his phone.

3 Q The defendant's phone?

4 A Correct.

5 Q And was that the picture you just described taking of one
6 of his phones while you were in the hotel room, in the hotel
7 suite in the Mondrian?

8 A Correct.

9 MS. SHIHATA: I move to admit Government Exhibit
10 239.

11 MR. CANNICK: No objection.

12 THE COURT: Okay, it's in evidence.

13 (Government's Exhibit 239 was received in evidence.)

14 (Exhibit published.)

15 BY MS. SHIHATA:

16 Q And the date on the top here, that's Saturday,
17 February 3rd?

18 A Correct.

19 Q And does this appear to show messages, multiple messages
20 from someone saved as Joyce, a 646 number, messages from
21 someone saved as Mommabear?

22 A Correct.

23 Q Some missed calls from Diana Copeland?

24 A Correct.

25 Q Facetimes with Joyce?

SAM

OCR

RMR

CRR

RPR

Faith - direct - Shihata

2277

1 A Correct.

2 Q And another -- and a 646 number?

3 A Correct.

4 Q I think before I showed you that exhibit you said that
5 Diana came to the room, is that right?

6 A Correct.

7 Q What happened at that point?

8 A Shortly after she entered the room, she stayed in the
9 living part and she let him know he had a meeting, he was
10 late. He got up, he kind of rushed. Put on his clothes.

11 Again, before he left, he was giving me constructive
12 criticism, again, about my positions. I didn't bend over
13 right. He said, his words were: Something's not right.

14 And I kinda got upset at that point because I just
15 felt embarrassed, like, nothing at this point was gonna work.
16 It's nothing I could do to make our intimacy better. It just
17 seemed very unnatural and it never was gonna be natural.

18 So I kinda -- this time -- I never said anything
19 back, but this time I did because when he left he kinda gave
20 me like a -- like a pat on my shoulder, like, better luck next
21 time. And I was like, you just patted my shoulder like you're
22 a coach and I'm like a team player, like my feelings were
23 hurt. And he looked at me and he said: 'Cause you are. He
24 said: I'm a fuckin' legend.

25 I looked at him and he -- he just looked at me. And

SAM

OCR

RMR

CRR

RPR

Faith - direct - Shihata

2278

1 I was just like: That doesn't mean -- and he stopped me. And
2 he said: I'm not one of them niggas you fuck with. He said:
3 I'm not gonna go back and forth with you.

4 Diana was standing right there. This was one of
5 them times, like I said, I had never spoke up for myself and I
6 had never really seen him get close to me. We weren't
7 directly in each other's face, but we were pretty close. I
8 definitely was looking up at him. He said what he had to say
9 and he walked out. I didn't see him again on that trip. I
10 knew he was mad, too, because he didn't give me a kiss or say
11 he'll see me later or say anything. Him and Diana, they just
12 walked out. And that was the last time we saw each other.

13 Q Now, at some point after that did you leave New York?

14 A I did.

15 Q And do you recall when that was?

16 A I believe it was the next day.

17 Q And where did you fly to when you left New York?

18 A Back to San Antonio.

19 Q Prior to leaving or at some point did you send a text to
20 the defendant?

21 A I did.

22 Q And what do you recall about that?

23 A After I left I sent him sort of a apologetic text. I
24 didn't really say too much, but I just let him know, you know,
25 I was embarrassed. I just -- I really didn't know what was

SAM

OCR

RMR

CRR

RPR

Faith - direct - Shihata

2279

1 gonna happen, if he was gonna be mad.

2 Like, there was no conversation. I didn't know how
3 the chapter was ending. I didn't hate him. You know, I was
4 gonna go about my business, that was the plan. I just hoped
5 he didn't have any harsh feelings to me.

6 So, I apologized to him. I tried to get a response.
7 He never replied. Well, he did respond, but we never spoke
8 after that on another romantic level.

9 Q Did you have any concerns regarding anything that the
10 defendant had related to you?

11 A Yeah. Once I had got back to San Antonio, mind you
12 I'm -- I'm from Texas, so the climate is very hot there, even
13 in February. So, when I got back to Texas, maybe like three
14 days after I got back home, I was coming down with a cold and
15 I thought I just had the flu. And on the fourth day of having
16 a cold, my mouth had bumps everywhere and my tongue was
17 inflamed with bumps. My mouth, it looked like disgusting.

18 I had went to urgent care because my sister -- my
19 other sister's a nurse and I had sent her a picture of my mouth
20 and she said: That looks like herpes. So, me, I'm freaking
21 out. Mind you, my parents are like: What's on your mouth?

22 And that was the first thing that made me be like,
23 ugh, okay, I gotta go see what this is. And I went to urgent
24 care and they had tested me for herpes and it came back
25 positive.

SAM

OCR

RMR

CRR

RPR

Faith - direct - Shihata

2280

1 I didn't -- I kinda was in shock. So, I always go
2 to my OB/GYN every three months. I was on birth control, so I
3 get the Depo shot and they test you, but I had went just -- I
4 needed her to just check, check me then. So, she gave me a
5 pee test and a blood test and confirmed that I did have
6 herpes.

7 Q And, what, if any, understanding did you have about what
8 type of herpes you had?

9 A At the time she told me I had Type 1 herpes. So, I
10 really just -- I didn't know what herpes was, that was my
11 first time learning that there was two different types. I had
12 Type 1.

13 Q Now, after you learned you had herpes, what, if anything,
14 did you do?

15 A I reached out to him a couple times. He never texted me
16 back.

17 Q When you say you "reached out to him," who are you
18 referring to?

19 A R. Kelly.

20 Q And why did you reach out to him?

21 A I wanted to know if he knew, like, what this was or if he
22 knew, like, anything, just -- it was just like I came home.
23 We weren't speaking and, boom, I find out I have herpes and
24 you said nothing to me.

25 I really just wanted him to maybe give me answers on

SAM

OCR

RMR

CRR

RPR

Faith - direct - Shihata

2281

1 how to fix it or just acknowledge, like, he did it. I knew it
2 was him. And he just totally like cut off communication with
3 me and wouldn't respond to me.

4 When I was texting him, I wasn't saying: Text me
5 back, I know you have herpes, that's -- I was saying, let's
6 have a conversation. He would not reach back out to me.

7 Q And why did you want to have a conversation with him?

8 A I wanted to discuss my STD status.

9 Q And did he respond?

10 A No.

11 Q After receiving no response from the defendant, did you
12 contact a lawyer?

13 A Correct.

14 Q And why did you do that?

15 A Because there was no other way for me to get resolution
16 [sic] [sic] in this.

17 Q And the lawyer you contacted, was that a lawyer in Texas?

18 A Correct.

19 Q Where you were living?

20 A Correct.

21 Q And after contacting a lawyer in Texas, did you and the
22 lawyer go to report anything anywhere?

23 A Yes. So, shortly after I had obtained a lawyer, he heard
24 everything that happened between me and Mr. Kelly. He had let
25 me know that it's actually illegal for somebody to give you a

Faith - direct - Shihata

2282

1 STD and they know.

2 MR. CANNICK: Objection.

3 THE COURT: Well, sustained as to that.

4 You had a conversation with the lawyer and what
5 happened next.

6 A After my conversation with my attorney, we went to Dallas
7 Police first and we tried to get some type of resolvment
8 [sic] there. They told me that because the basis of my --

9 Q Well, just while you were at the Dallas Police
10 Department, what, if anything, did the police you met with
11 while you were there try to do?

12 A They had told me that I had to --

13 MR. CANNICK: Objection.

14 THE COURT: I know, it is difficult. Don't tell us
15 what they told you.

16 Did you do something with them?

17 THE WITNESS: Correct.

18 THE COURT: Okay. What did you do?

19 THE WITNESS: So, I was -- I called him.

20 THE COURT: You called who?

21 THE WITNESS: I called R. Kelly and he did not
22 answer. So, after I called --

23 BY MS. SHIHATA:

24 Q Okay, so let's just stop there for a moment.

25 When you called R. Kelly, the defendant's phone

Faith - direct - Shihata

2283

1 number, was that in the presence of Dallas Police personnel?

2 A Correct.

3 Q And was the plan to record that phone call?

4 A Correct.

5 Q What, if anything, were you planning to discuss with the
6 defendant if he answered the phone?

7 A If he answered the phone, we were gonna discuss the
8 herpes.

9 Q And I think you testified the defendant did not answer,
10 is that right?

11 A Correct.

12 Q Following that, were you advised to try to make another
13 recording or to make a recording of the defendant?

14 A Correct.

15 Q Discussing the herpes?

16 A Correct.

17 Q And after you left the Dallas Police Department that day,
18 did you and your lawyer attempt to do that?

19 A We did.

20 Q And how, if at all, did you try to get the defendant on
21 the phone after that?

22 A In the wee hours of the morning a couple days later I had
23 got a phone call from Mr. Kelly. I answered. We had a
24 conversation.

25 Q Prior to that, had you sent him any text messages?

SAM

OCR

RMR

CRR

RPR

Faith - direct - Shihata

2284

1 A Yes.

2 Q And what was the purpose of sending him text messages?

3 A So, that we could have a conversation to talk.

4 Q Now -- and then I think you -- at some point did you, in
5 fact, speak to the defendant over the phone?

6 A Correct. He ended up calling me back. I answered. He
7 let me know, he said: Your name came up. And he said:
8 You're the only Faith I know. He said: I just want to let
9 you know you still have a friend in me. You really do.

10 And I said: I do?

11 He said: Yeah.

12 And I said: Well, why you didn't tell me?

13 He said: Tell you what?

14 I said: You didn't tell me you had anything.

15 He said -- well, basically he said if he had some --
16 excuse me, if he had something, we weren't gonna discuss it
17 over the phone. He said: I don't know what you're talking
18 about, but if I did know what you're talking about, we're not
19 gonna have that conversation over the phone.

20 He advised me to come to Chicago, but this time he
21 said, you know: You get your flight and I'll give you the
22 money back. He said: You come up here, you meet me and you
23 just let me know. And I said: Okay.

24 Q And did you go to Chicago?

25 A No.

SAM

OCR

RMR

CRR

RPR

Faith - direct - Shihata

2285

1 Q Did you have any intention of going to Chicago?

2 A No.

3 Q When the defendant called you and you had the
4 conversation you just described, did -- what, if anything, did
5 you do during that phone call?

6 A I had put my lawyer on three-way and he recorded the
7 call.

8 Q Your lawyer recorded the call?

9 A Yes.

10 Q Now, in addition to the Dallas Police Department, did you
11 go to another police department after that?

12 A Correct.

13 Q And do you recall where that was?

14 A In New York.

15 Q And was that in Long Island?

16 A Correct.

17 Q And did you make a report there?

18 A Yes.

19 Q Now, at some point did your lawyer in Texas refer you to
20 a lawyer in New York?

21 A Correct.

22 Q And what, if anything, did the lawyer in New York file?

23 A She filed my lawsuit.

24 Q And that was a lawsuit against the defendant?

25 A Correct.

SAM

OCR

RMR

CRR

RPR

Faith - direct - Shihata

2286

1 Q And was that lawyer's name Lydia Hills?

2 A Correct.

3 Q I am showing you what's in evidence as Government
4 Exhibit 231.

5 (Exhibit published.)

6 BY MS. SHIHATA:

7 Q Do you see this envelope on your screen?

8 A Correct.

9 Q And is it addressed to Lydia C. Hills, Esquire at an
10 address in Brooklyn, New York?

11 A Correct.

12 Q And was that the lawyer who filed the lawsuit for you in
13 New York?

14 A Correct.

15 Q And was it sent by certified mail, this letter?

16 A Correct.

17 Q And is there a name and address indicated in the top left
18 corner?

19 A Yes. Robert Kelly, 219 North Justine Street, Chicago
20 Illinois.

21 Q And just looking at Government Exhibit 231 again, I am
22 just going to zoom in.

23 Do you see the USPS postage on this?

24 A Yes.

25 Q And do you see a date where my finger is (indicating)?

SAM

OCR

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RPR

Faith - direct - Shihata

2287

1 A Yes, November 20th, 2018.

2 Q Now, at this point had your lawyer already filed the
3 lawsuit?

4 A Correct.

5 Q I am showing you what's in evidence as Government
6 Exhibit 231(a).

7 (Exhibit published.)

8 MS. SHIHATA: Actually, I'm sorry, to the jury only,
9 please.

10 (Exhibit published to the jury only.)

11 THE COURTROOM DEPUTY: You have to wait.

12 MS. SHIHATA: I'm sorry.

13 THE COURTROOM DEPUTY: It's okay. You can go.

14 MS. SHIHATA: Thank you.

15 BY MS. SHIHATA:

16 Q Now, is this --

17 MS. SHIHATA: Actually, may I approach for one
18 moment, Your Honor?

19 THE COURT: Sure.

20 Q Can you just take a look at the documents in Government
21 Exhibit 231(a) that I just handed you?

22 A (Witness complies.)

23 Q Having looked at the documents in Government
24 Exhibit 231(a), at some point did your lawyer show you these
25 documents?

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Faith - direct - Shihata

2288

1 A Correct.

2 MS. SHIHATA: Now, for the jury only.

3 (Exhibit published to the jury only.)

4 BY MS. SHIHATA:

5 Q I am starting with the first page of Government

6 Exhibit 231(a).

7 THE COURT: You are not going to read the whole
8 thing, are you?

9 MS. SHIHATA: No, I'm not, don't worry, Judge.

10 BY MS. SHIHATA:

11 Q Does this have a case caption with your full name and the
12 defendant's -- versus the defendant's full name?

13 A Correct.

14 Q And is this purportedly something -- a document titled
15 Notice of Delivery?

16 A Correct.

17 Q And it's addressed to the Law Office of Lydia C. Hills in
18 Brooklyn, New York?

19 A Correct.

20 Q And it has a declaration from someone named June Barrett
21 that she caused the foregoing notice of delivery to be
22 delivered, is that right?

23 A Correct.

24 Q And do you see the name and address of June Barrett on
25 the bottom of this?

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Faith - direct - Shihata

2289

1 A Correct.

2 Q And is that the address listed 1826 South Millard Avenue,
3 Chicago, Illinois, with a phone number listed and an e-mail,
4 junespointofview@yahoo.com?

5 A Correct.

6 Q All right, I am showing the second page of this exhibit.

7 And, again, does this appear to be a letter
8 addressed to your lawyer, Lydia C. Hills?

9 A Correct.

10 Q And it has a date on the top of October 22nd, 2018?

11 A Correct.

12 Q Now, I want to focus on a particular portion of this
13 letter.

14 Do you see the paragraph the second from the bottom
15 that I'm pointing to (indicating)?

16 A Yes.

17 Q And I'm not going to ask you to read the whole thing, but
18 does it state:

19 Please advise, and then your last -- Ms. and your
20 last name, your client, to abandon this heartless effort to
21 try to destroy my musical legacy for selfish personal
22 enrichment. If she persists in court action, she will be
23 subjected to public opinion during the discovery process.

24 For example, my law team is prepared to request the
25 production of the medical test results proving the origin of

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1 her STD claim, as well as ten personal male witnesses
2 testifying under oath about her sex life in support of her
3 claim and complete records of her texts, Facetime message
4 exchanges, which will be reviewed to match and be
5 authenticated by the recipient to ensure there are no
6 omissions or deletions.

7 And then the following paragraph --

8 THE COURT: Just slow down a little bit please, just
9 for the court reporter.

10 MS. SHIHATA: I apologize.

11 THE COURT: That's all right.

12 BY MS. SHIHATA:

13 Q And then the last paragraph on that page says:

14 If Ms. and your last name, really cares about her
15 own reputation, she should cease her participation and
16 association with the organizers of this negative campaign.
17 Counteractions are in the developmental stages and due to be
18 released soon.

19 And do you see a sincerely, a signature, and then
20 the name Robert Sylvester Kelly?

21 A Correct.

22 Q Now, I am showing you the third page of this exhibit.

23 Now, does this appear to be a page from the lawsuit
24 or the complaint that your attorney filed in New York Supreme
25 Court?

SAM

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RPR

Faith - direct - Shihata

2291

1 A Correct, that's what it is.

2 Q And do you see a stamp on it?

3 A Correct.

4 Q And what does the stamp say?

5 A I do not accept this offer to contract and I do not
6 consent to these proceedings.

7 Q And do you see a notary signature?

8 A Yes, from June Barrett.

9 Q And is that dated October 29th?

10 A October 29th, 2018.

11 Q And then is there also a notary stamp, June A. Barrett,
12 Notary Public, State of Illinois?

13 A Correct.

14 Q And on that page, same page, does there also appear to
15 be -- above June Barrett's signature, does there appear to be
16 another line next to the word "by" and a signature written
17 there?

18 A Correct.

19 Q Now, I'm showing you the next page of the exhibit.

20 Again, is this stamped with: I do not accept this
21 offer to contract and I do not consent to these proceedings?

22 A Correct.

23 Q And, again, is it -- is there a notary stamp for June A.
24 Barrett, signature for June A. Barrett and a date?

25 A Correct.

Faith - direct - Shihata

2292

1 Q And above that, again, does there appear to be another
2 signature there?

3 A Correct.

4 Q Showing you the next page of the exhibit, does this
5 appear to be a summons for the lawsuit that your lawyer filed?

6 A Correct.

7 Q And, again, does it state: I do not accept this offer to
8 contract, I do not accept these proceedings?

9 A Correct.

10 Q And signed and notarized by June A. Barrett?

11 A Correct.

12 Q And another signature on top of June A. Barrett's
13 signature?

14 A Correct.

15 Q Showing you the following page, is this titled Testimony?

16 A Correct.

17 Q And at the bottom is there a signature?

18 A Yes.

19 Q And a date?

20 A Yes.

21 Q And then a witness signature?

22 A Correct.

23 Q I am showing you the next page of the exhibit.

24 What do you see written at the top?

25 A Here is Faith, your client.

SAM

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RPR

Faith - direct - Shihata

2293

1 Q And yes, I apologize, make sure not to say your last
2 name.

3 Now, below where it says: Here is Faith, your
4 client, do you see a series, first, of three photographs?

5 A Yes.

6 Q And are those photographs of you?

7 A Yes.

8 Q And the first two photographs, are those from television?

9 A Correct, all -- the first three are.

10 Q Okay. And underneath those three photographs, can you
11 see what's written?

12 A Here a sample of the real Faith [REDACTED] --

13 Q I'm sorry, I'm sorry. Just remember not to say your last
14 name.

15 How about this, I'll read it, okay?

16 A Okay.

17 THE COURT: Is this in evidence?

18 MS. SHIHATA: Yes, this is part of the same
19 Government Exhibit 231(a).

20 THE COURT: Okay, go ahead.

21 BY MS. SHIHATA:

22 Q Here is a sample of the real Faith, and then your last
23 name. Remember, she lives in Texas, so her claim of being
24 intimidated falls flat because these pics were sent via text.

25 Is that right?

Faith - direct - Shihata

2294

1 A Correct.

2 Q Did I read that correctly? Okay.

3 And below that is there a series of four
4 photographs?

5 A Correct.

6 Q And the first photograph, do you recognize who is in that
7 photograph?

8 A R. Kelly and I.

9 Q And do you recognize the room you're in?

10 A Yes.

11 Q Where was that from?

12 A In the recording studio that I was in, in LA.

13 Q And is there another photograph right next to that?

14 A Correct.

15 Q Is that a photograph of you?

16 A Correct.

17 Q And is part of your breast exposed?

18 A Yes.

19 Q And do you recall anything about where this photograph
20 was taken?

21 A I don't know where it was taken, but I know it was a
22 picture he took of me.

23 Q When you say "he," who are you referring to?

24 A R. Kelly.

25 Q And is there another photograph of you next -- next to

SAM

OCR

RMR

CRR

RPR

Faith - direct - Shihata

2295

1 that picture?

2 A Correct.

3 Q And in that picture does it show an exposed portion of
4 your buttocks?

5 A Correct.

6 Q And then the final photograph on that row, do you
7 recognize what that is a picture of?

8 A Yes, he told me to send him a picture, and I sent him a
9 picture of my outfit.

10 Q So, is that a photograph of text messages between you and
11 the defendant?

12 A Correct.

13 Q And in these, are what you sent -- is what you sent on
14 the left side and in gray?

15 A Correct.

16 Q And the pictures?

17 A Correct.

18 Q And is what the defendant said on the right side and in
19 blue?

20 A Correct.

21 Q And below a photograph of you, did you write: Is this
22 better, Daddy?

23 A Correct.

24 Q And at the bottom of this page, is there some text
25 written?

Faith - direct - Shihata

2296

1 A Yes.

2 Q And does it state: I assure you, this would not be
3 considered a Sunday go-to-meeting dress. The next two
4 pictures have been cropped for the sake of not exposing her
5 extremities to the world yet!!! I'm a singer, not a doctor.
6 So, how does Ms. -- and your last name -- justify her
7 transmission of these kinds of pictures?

8 Is that what it said?

9 A Correct.

10 Q I'm now showing you the final page of Government
11 Exhibit 231(a).

12 And is there some text at the top of this page
13 followed by photographs of text messages?

14 A Correct.

15 Q And at the top of the page, does it state: Ms., and your
16 last name, Ms. your last name's usage of daddy is/was her
17 choice! It's very interesting how the difference in age only
18 becomes a factor when things didn't go as she planned.

19 Is that what it says?

20 A Correct.

21 Q Now, focusing on the first text message on this page.

22 Again, are the -- do you recognize who these texts
23 are between?

24 A They're between him and I.

25 Q The defendant and you?

Faith - direct - Shihata

2297

1 A Correct.

2 Q And in these texts, are what you wrote to the defendant,
3 is that on the left side in gray?

4 A Yes, it is on the left side in gray.

5 Q And what the defendant wrote to you is on the right side
6 in blue?

7 A Yes.

8 Q And at some point in this text message exchange do you --
9 did you send the defendant an address?

10 A Correct.

11 Q And do you have any memory of why you were doing that?

12 A I was going out. I was sending him where I was going.

13 Q And why did you need to send the defendant the address of
14 where you were going?

15 A Those were his rules.

16 Q Now, turning to the second text message, the middle text
17 message on this page. I want to focus here on the date of
18 these text messages.

19 First of all, do you recognize -- do you have a
20 memory of these text messages?

21 A Absolutely.

22 Q And are these from April?

23 A Correct.

24 Q Do you know -- well, do you know April of what year?

25 A April of 2018.

Faith - direct - Shihata

2298

1 Q And was this after your final trip to New York to see the
2 defendant?

3 A Correct.

4 Q And what are these texts, why were you sending the texts
5 in gray?

6 A The texts in April, the first one, I sent that when I was
7 in Dallas. And the one on the 21st was after he called me and
8 said he wanted to talk.

9 Q And so, when you said you sent it when you were in
10 Dallas, what were you in Dallas doing?

11 A Trying to file a police report.

12 Q So, that was at the time or this was in the vicinity of
13 the time that you had tried to -- that you had gone to the
14 Dallas Police Department to make a report?

15 A Correct.

16 Q And as you testified earlier, while you were in the
17 police officer's presence, you attempted to make a recorded
18 call and the defendant did not answer?

19 A Correct.

20 Q And I think you testified earlier that thereafter you
21 contacted the defendant again via text message to try to make
22 another -- to make a recording as the police had advised you,
23 correct?

24 A Correct.

25 (Continued on the following page.)

Faith - Direct - Shihata

2299

1 BY MS. SHIHATA:

2 Q Is that the text messages we're seeing here?

3 A Correct.

4 Q Why did you send the defendant: I've been thinking and I
5 don't want to do this. Can we talk about how to make it go
6 away?

7 A That was after we had that conversation when he had told
8 me that I could come to Chicago and things like that, that was
9 supposed to be the follow-up conversation after that once he
10 had learned. We didn't speak on the phone actually until the
11 news got out that I had obtained a lawyer to file a lawsuit.
12 If you see, those texts have the 12-day difference.

13 Q Was it after these texts that you spoke to him on the
14 phone?

15 A Correct.

16 Q Fair to say you were trying to get him to call you?

17 A Correct.

18 Q Looking at the third photograph of text messages on this
19 page, is this a continuation of the second set of text
20 messages?

21 A Correct.

22 Q The items I just showed you including the photographs of
23 you and the text messages, those were all sent to your lawyer
24 Lydia Hills?

25 A Correct.

Faith - Direct - Shihata

2300

1 Q After you had filed the lawsuit?

2 A Correct.

3 MS. SHIHATA: Your Honor, this might be a good time
4 for a break.

5 THE COURT: Okay. Ladies and gentlemen, let's take
6 our morning break. Please don't talk about the case at all.
7 We'll see you in ten minutes.

8 (Jury exits the courtroom.)

9 THE COURT: The witness can step out.

10 (Whereupon, the witness steps down.)

11 THE COURT: Do you have an estimate of how long
12 you're going to be?

13 MS. SHIHATA: I think probably half an hour.

14 THE COURT: All right. Everybody can sit down.

15 Anything from either side before we break?

16 MS. SHIHATA: Not from the Government.

17 MR. CANNICK: No, your Honor.

18 (Brief recess.)

19 THE COURT: Let's bring the witness back in.

20 (Whereupon, the witness resumes the stand.)

21 MS. SHIHATA: I spoke with Mr. Cannick. I think
22 there is one thing we wanted to raise with your Honor before
23 his cross, if you'd like to do it now or if you want to wait
24 until --

25 THE COURT: Let's come over to the side with the

Sidebar

2301

1 court reporter. I might as well get a preview of it any way.

2 (Sidebar conference.)

3 THE COURT: What is the issue?

4 MS. SHIHATA: I had inquired in the break whether
5 Mr. Cannick intended to cross-examine Faith, the witness,
6 about Lydia. So Lydia Hills, the lawyer who initially filed
7 the lawsuit for her in New York -- completely unrelated to the
8 lawsuit or anything like that -- was charged and convicted of
9 a federal offense.

10 THE COURT: What did she do?

11 MS. SHIHATA: I think it had something to do with
12 mortgage for her aunt or something like that.

13 THE COURT: You're really going to ask her about
14 that?

15 MR. CANNICK: They've made the lawyers here so
16 prominent. I don't know what she's going to say in response
17 to my questions. My answer was, if an answer comes out that
18 begs a question, then I would. But if we get a ruling on it
19 beforehand.

20 THE COURT: I don't see how it's relevant. It looks
21 like she got two lawyers who -- wasn't the first guy who
22 leaked something to TMZ, that's in the 3500 material. Then
23 you got this person who gets convicted. Not really her fault.

24 MS. SHIHATA: I don't think it's relevant Judge.

25 THE COURT: I don't think that is relevant. It's

Sidebar

2302

1 relevant to ask her about did she file the lawsuit.

2 MR. CANNICK: Right.

3 THE COURT: You didn't represent him on that.

4 MR. CANNICK: No. That was Mr. Farinella.

5 THE COURT: Really?

6 MS. SHIHATA: No, no. I don't think so. No I don't
7 believe anybody in this courtroom is involved in that other,
8 than the defendant.

9 MR. CANNICK: I know that Farinella was involved in
10 one a case in New York Supreme Court that was represented.

11 MS. SHIHATA: I have no idea about that. But I have
12 no information that Mr. Farinella was involved in the mailing
13 that went to --

14 MR. CANNICK: Oh, the mailing, neither did my
15 client.

16 THE COURT: This is not sealed?

17 MS. SHIHATA: No.

18 THE COURT: Not sealed, okay.

19 MR. CANNICK: Actually, the portion where we mention
20 Mr. Farinella representing him in New York Supreme, any
21 references to Mr. Farinella, I ask that be sealed.

22 THE COURT: That's fine. I don't think it's such a
23 big deal. Isn't it a public filing?

24 (End of sidebar conference.)

25 (In open court.)

Faith - Direct - Shihata

2303

1 THE COURT: Let's get the jurors.

2 (Jury enters the courtroom.)

3 THE COURTROOM DEPUTY: You may be seated.

4 THE COURT: First of all, let me apologize for the
5 delay. We had a little bit of technical difficulty with some
6 of our ultra modern equipment. I think we've got it resolved
7 and are ready to resume. Go ahead.

8 MS. SHIHATA: Thank you, your Honor.

9 BY MS. SHIHATA:

10 Q So earlier this morning you testified about your trip to
11 L.A. and the studio you went to when you saw the defendant in
12 L.A. Do you recall that?

13 A Yes.

14 Q I think we got to the point where you were talking about
15 what happened the second day you were in the studio. And you
16 testified that the defendant started making certain videos of
17 you and him; is that right?

18 A Correct.

19 Q And I think at that point we were having some technical
20 difficulties and couldn't play them. I want to start with
21 what is in evidence as Government's Exhibit 327B. And as you
22 testified earlier today, you had a chance to review these
23 recordings prior to your testimony here today, correct?

24 A Correct.

25 Q And Government's Exhibit 327B, that is a video that is

Faith - Direct - Shihata

2304

1 approximately 20 minutes long, correct?

2 A Correct.

3 MS. SHIHATA: The entire video in this evidence but
4 we'll only play certain portions of it here today.

5 THE COURT: So I think all the jurors have
6 headphones.

7 MS. SHIHATA: Yes, but before we get to that point I
8 want to ask.

9 Q Do you see the screen in front of you?

10 A Correct.

11 Q And do you recognize the people in the video?

12 THE COURT: It's in evidence. You asked her all
13 these questions. I think she testified that she's in the
14 video, she initialed. It, I'm not trying to rush you, except
15 I am.

16 MS. SHIHATA: I will take your note, Judge.

17 If everyone can turn their headphones on, there is a
18 little button.

19 THE COURT: Everybody should have a green light on
20 their headphones, there is a little button on the side. It's
21 a sad day when I'm giving you technological advice. Let us
22 know if it doesn't work and we'll figure something out.

23 You want to play it

24 MS. SHIHATA: Yes.

25 We'll stop at about 32 seconds in.

Faith - Direct - Shihata

2305

1 (Video played)

2 THE COURTROOM DEPUTY: It's on every where, you
3 don't need headphones.

4 THE COURT: Just keep playing.

5 MS. SHIHATA: It's playing in both. So keep your
6 headphones on.

7 (Video played)

8 BY MS. SHIHATA:

9 Q Did you see what was going on in the video at that point?

10 A Correct.

11 Q Could you hear anything about -- could you hear the
12 defendant saying anything to you?

13 A Fix my legs.

14 Q Could you hear anything else about that?

15 A No.

16 Q And then did you proceed to fix your legs?

17 A Correct.

18 (Video played)

19 Q Could you hear what the defendant was saying to you
20 there?

21 A Whenever we out in the club or anywhere, my legs should
22 never be pointed towards another man, my energy should be
23 turned towards him.

24 MS. SHIHATA: If we could fast forward to
25 approximately 305.

Faith - Direct - Shihata

2306

1 (Video played)

2 If we could stop it.

3 Q Can you tell the jury what was going on at this point?

4 A He told me to give him a kiss and then rub his beard.

5 Q Did you in fact do as he directed?

6 A Correct.

7 Q Did that rubbing of the beard go on for several minutes?

8 A Correct.

9 MS. SHIHATA: If we could fast forward to
10 approximately 620.

11 (Video played)

12 We appear to have lost the sound. We can just press
13 play?

14 (Video played)

15 Q Do you see yourself getting up there?

16 A Yes.

17 Q What, if anything, had the defendant asked you to do?

18 A To go get his phones for him.

19 Q Is that you coming back with the phones?

20 A Correct.

21 Q And how many phones does he appear to have there?

22 A Three.

23 MS. SHIHATA: If we could fast forward to 1025.

24 Q I know the sound is not on, but do you see the defendant
25 get up and appear to be speaking to somebody?

Faith - Direct - Shihata

2307

1 A Correct.

2 Q Who was he speaking to then?

3 A The engineer in the other room.

4 Q Where did you understand the engineer to be at that time?

5 A Behind the curtain.

6 Q Is that the curtain that is behind you in the video?

7 A Correct.

8 Q Covering that window you testified about earlier?

9 A Correct.

10 Q Based on your review of this video prior to your
11 testimony here today, were there various -- was there a point
12 in the video where the defendant said: Talk to Daddy?

13 A Correct.

14 Q At the point, after he said something to the engineer
15 behind the curtain, did you and the defendant listen to
16 various tracks that the defendant had made?

17 A Correct.

18 MS. SHIHATA: I'd like to turn to Government's
19 Exhibit 327A.(Video played)

20 Q Is this video in the same location?

21 A Correct.

22 Q Based on your review prior to your testimony here today,
23 is this video approximately four minutes and 25 seconds?

24 A Correct.

25 Q Was this recorded on the same day as the last one?

Faith - Direct - Shihata

2308

1 A Correct.

2 MS. SHIHATA: If we could press play, please.

3 (Video played)

4 Pause it.

5 Q What did the defendant ask you to do there?

6 A Rub the top of his head real slowly.

7 Q Did you then do as he directed?

8 A Correct.

9 Q Based on your prior review of this video, does that
10 rubbing of his head and looking at him, does that go on for
11 the rest of the video?

12 A Correct.

13 Q I'm showing the witness and the jury only what is in
14 evidence, a page of Government's Exhibit 231A, the items sent
15 to your lawyer in New York. I want to focus on the photograph
16 on the bottom left corner. Do you see that?

17 A Correct.

18 Q Did you see the same scene in the video we just watched?

19 A Yes.

20 Q You rubbing the defendant's head at the L.A. studio?

21 A Correct.

22 Q Just turning again to the last page of Government's
23 Exhibit 231A, you testified before the break about the text
24 messages on the left side where you sent the defendant an
25 address where you were; is that right?

Faith - Direct - Shihata

2309

1 A Correct.

2 Q That's an address in San Antonio, Texas?

3 A Correct.

4 Q The defendant was not in San Antonio, Texas, with you at
5 that time, right?

6 A Correct.

7 Q Did you participate in a docuseries known as Surviving R.
8 Kelly?

9 A Correct.

10 Q I want to direct your attention to early December 2018.
11 Did you travel to New York City at that time?

12 A Yes.

13 Q Did you travel alone or with someone else?

14 A I traveled with my mother and one of my friends.

15 Q Why were you coming to New York City at that time?

16 A There was going to be a preview -- a premiere, excuse
17 me -- of surviving R. Kelly.

18 Q In Manhattan?

19 A Correct.

20 Q Do you recall where you stayed when you were in New York
21 for that trip?

22 A At the Pearl.

23 Q Is that a hotel?

24 A Correct.

25 Q I'm showing the witness only what is marked for

Faith - Direct - Shihata

2310

1 identification as Government's Exhibit 517A. Do you recognize
2 this?

3 A Yes.

4 Q What is this a photo of?

5 A The Pearl.

6 MS. SHIHATA: I move to admit 517A.

7 MR. CANNICK: No objection.

8 THE COURT: That's in evidence.

9 (Government Exhibit 517A, was received in evidence.)

10 BY MS. SHIHATA:

11 Q Did you end up attending premiere for Surviving R. Kelly?

12 A Yes.

13 Q Did something happen while you were there?

14 A Yes.

15 Q What happened?

16 A During about maybe less than ten minutes into the
17 premiere, we had to evacuate. The producers let us know that
18 there --

19 MR. CANNICK: Objection.

20 THE COURT: Don't tell us what the producer said.

21 But you had to evacuate?

22 THE WITNESS: Correct.

23 THE COURT: Next question.

24 BY MS. SHIHATA:

25 Q Did you later learn why you had to evacuate?

Faith - Direct - Shihata

2311

1 A Yes.

2 Q Why was that?

3 MR. CANNICK: Objection.

4 THE COURT: Sustained.

5 A There had been --

6 THE COURT: That means you can't answer.

7 THE WITNESS: I'm sorry.

8 THE COURT: Everybody had to leave the building
9 though, right?

10 THE WITNESS: Correct.

11 THE COURT: Did you get back in?

12 THE WITNESS: No.

13 THE COURT: Next question.

14 BY MS. SHIHATA:

15 Q Was that the end of the event that night?

16 A Yes.

17 Q Where did you go after you were evacuated from the
18 location of the premiere?

19 A Back to the Pearl.

20 Q The hotel?

21 A Correct.

22 Q I'm showing the witness only what is marked for
23 identification as Government's Exhibit 80. Do you recognize
24 the person in this photograph?

25 A Correct.

Faith - Direct - Shihata

2312

1 Q Who do you recognize it to be?

2 A Kash Jones.

3 Q Have you met Kash Jones in person?

4 A Yes.

5 MS. SHIHATA: I move to admit Government's Exhibit
6 80.

7 MR. CANNICK: No objection.

8 THE COURT: That's in evidence. You can publish.

9 (Government Exhibit 80, was received in evidence.)

10 BY MS. SHIHATA:

11 Q When did you first meet Kash Jones?

12 A In January of 2019.

13 Q Did you meet her when you were in New York for the
14 premiere?

15 A Yes.

16 Q And did you meet her after you were evacuated from the
17 premiere?

18 A Yes.

19 Q Was it later that same night?

20 A Yes.

21 Q Where were you -- where did you first encounter her?

22 A I first encountered her at the Pearl.

23 Q The hotel you were staying at?

24 A Correct.

25 Q And what, if anything, did she say to you?

Faith - Direct - Shihata

2313

1 A She said nothing --

2 MR. CANNICK: Objection.

3 THE COURT: Overruled.

4 A She said nothing to me directly.

5 Q At some point did you speak to her on the phone?

6 A Yes.

7 Q And what, if anything, did she say to you then?

8 MR. CANNICK: Same objection.

9 THE COURT: Overruled.

10 A She had said she wanted to meet up with me to discuss
11 some file she had.

12 Q Do you know where she was when she was telling you this?

13 A In New York.

14 Q Did she -- did you end up meeting with her?

15 A Yes.

16 Q And where did you end up meeting with her?

17 A We met at an Applebee's.

18 Q Where in relation to your hotel was the Applebee's?

19 A About a five-minute walk.

20 Q Near your hotel?

21 A Correct.

22 Q Who, if anyone, went with you to meet Kash Jones at the
23 Applebee's?

24 A My mother and my friend at that time.

25 Q I'm showing the witness only what is marked for

Faith - Direct - Shihata

2314

1 identification as Government's Exhibit 510. Do you recognize
2 this?

3 A Yes.

4 Q What is this?

5 A The Applebee's I met Kash Jones at.

6 MS. SHIHATA: I move to admit Government's Exhibit
7 510.

8 MR. CANNICK: No objection.

9 THE COURT: That's in evidence.

10 (Government Exhibit 510, was received in evidence.)

11 Q When you arrived at the Applebee's, who was there? Did
12 you meet with Kash Jones at the Applebee's?

13 A Correct.

14 Q Was she with anyone else?

15 A Yes.

16 Q What, if anything -- can you describe the person or
17 persons she was with?

18 A She had someone she described as her cousin with her, and
19 she had a security guard with her.

20 Q And the security guard, was that a male or female?

21 A A male.

22 Q What, if anything, did you notice regarding that male
23 person while you were at the Applebee's?

24 A When me and Kash were engaging, he was at a distance in
25 the corner. He had on a black suit, black tie. And had his

Faith - Direct - Shihata

2315

1 hand on his gun, on his hip.

2 Q Was he wearing a jacket?

3 A Correct.

4 Q At some point did you see the -- were you able to notice
5 a handgun?

6 A Correct.

7 Q Under his jacket?

8 A Correct.

9 Q Did you and Kash Jones speak at the Applebee's?

10 A Yes.

11 Q What, if anything, did she show you? And what, if
12 anything, did she say to you?

13 A She stated to me that she was --

14 MR. CANNICK: I'm going to object.

15 THE COURT: The objection is overruled to the
16 conversation between this witness and Ms. Jones. Go ahead.

17 A She stated to me that she wasn't a fan of Mr. Kelly, that
18 she worked for him. But she said she wasn't against us, but
19 she wasn't for the women coming forward. She was just trying
20 to figure out who was telling the truth and who was lying.

21 She told me she had a file. And I asked her to see
22 it. In the file it was like little profiles of me and other
23 women that were in the documentary.

24 She showed me my profile picture and it was a
25 picture of me. It was some mug shots that weren't me. And my

Faith - Direct - Shihata

2316

1 nude pictures were in there. And she had let me know that
2 basically this is what he plans on putting out if you guys
3 move forward with the documentary.

4 MR. CANNICK: Objection.

5 THE COURT: The objection is overruled.

6 Q At that point you were there for the premiere, but is it
7 correct that the documentary had not yet aired on television?

8 A Correct.

9 Q The nude photos that you saw, did you recognize when or
10 where those had been taken?

11 A Yes.

12 Q What did you recognize about them?

13 A I recognized they were the same pictures that I had seen
14 before that were sent to my attorney's offices, except you
15 could see the full thing, I wasn't covered. There were more
16 pictures that I knew he took of me I was never sent, they were
17 taken of me.

18 Q When you say you recognized pictures he take of you. Who
19 is "he" that you're referring to?

20 A Robert Kelly.

21 Q After that, did Surviving R. Kelly air on Lifetime
22 television in early January 2019?

23 A Yes.

24 Q Are you familiar with a Facebook page called Surviving
25 Lies?

Faith - Direct - Shihata

2317

1 A Yes.

2 Q And in relation to when Surviving R. Kelly aired on
3 television, can you say, do you have a recollection of when
4 you became aware of the Surviving Lies Facebook page?

5 A It was maybe not that long after the documentary had
6 aired, maybe about a week. I just woke up to a whole bunch of
7 messages and people were screenshoting me my nude body parts
8 all over the Internet as well as addresses.

9 Q Did you understand that those items had been posted on
10 the Surviving Lies Facebook page?

11 A Yes.

12 Q Was what was posted similar to what you testified about
13 here, the photos and text messages in Government's Exhibit
14 231A?

15 A Yes, they were the same pictures except they were not
16 cropped.

17 Q You testified earlier that during the course of the time
18 that you communicated and saw the defendant, that you
19 sometimes spoke using Facetime; is that right?

20 A Correct.

21 Q I'm showing the witness only what is marked for
22 identification as Government's Exhibit 207A. Do you recognize
23 that?

24 A Correct.

25 Q Is this a screenshot of a Facetime conversation between

Faith - Direct - Shihata

2318

1 you and the defendant?

2 A Correct.

3 MS. SHIHATA: I move to admit Government's Exhibit
4 207A.

5 MR. CANNICK: No objection.

6 THE COURT: That's in evidence.

7 (Government Exhibit 207A, was received in evidence.)

8 BY MS. SHIHATA:

9 Q You testified earlier -- Government's Exhibit 207A is
10 this a screenshot that you provided to the Government?

11 A Correct.

12 Q You testified earlier that prior to the first time you
13 went to see the defendant, you engaged in texting
14 communications with him?

15 A Correct.

16 Q And I'm showing the witness only what is marked for
17 identification as Government's Exhibit 207B and 207C. Do you
18 recognize the documents I just showed you?

19 A Correct.

20 Q And are these text message communications between you and
21 the defendant from early on in your communications?

22 A Correct.

23 MS. SHIHATA: I move to admit Government's Exhibit
24 207B and 207C.

25 THE COURT: Any objection?

Faith - Direct - Shihata

2319

1 MR. CANNICK: No objection.

2 THE COURT: Those are in evidence.

3 (Government Exhibit 207B & 207C, was received in
4 evidence.)

5 BY MS. SHIHATA:

6 Q Starting with 207B, if we can publish them. Are these
7 text messages from March 2017 prior to your first trip?

8 A Correct.

9 Q You also testified before the break about that final trip
10 to New York. And you testified that you texted the defendant
11 after that trip or after the events that occurred in the hotel
12 room that day?

13 A Correct.

14 Q Showing the witness only Government's Exhibit 207I. Do
15 you recognize this?

16 A Correct.

17 Q Is this a text between you and the defendant from
18 February 3rd, 2018?

19 A Correct.

20 MS. SHIHATA: I move to admit Government's Exhibit
21 207I.

22 MR. CANNICK: No objection.

23 THE COURT: That's in evidence.

24 (Government Exhibit 207I, was received in evidence.)

25 MS. SHIHATA: If we can publish it please?

Faith - Direct - Shihata

2320

1 Q The texts in blue are from you?

2 A Yes.

3 Q The texts in gray on this one are from the defendant,
4 correct?

5 A Correct.

6 Q Where it says: Daddy coming now. That was written by
7 the defendant?

8 A Correct.

9 Q And was that before he came to the hotel room?

10 A Correct.

11 Q And that's a morning time stamp; is that right?

12 A Correct.

13 Q And then later the same day in the evening time did you
14 write him a text message?

15 A Correct.

16 Q Can you explain why you wrote him this text message?

17 A I sent him that text because after the interaction in
18 that room I didn't know if he was mad or what was going to
19 happen next. I was trying to fix the situation, make sure
20 there wasn't anything like bad blood after that interaction.

21 Q Why were you concerned about bad blood?

22 A I didn't want there to be any repercussions for anything
23 that I said or did that may have made him upset.

24 Q What do you mean by repercussions?

25 A I didn't know. I didn't know what was going happen.

Faith - Cross - Cannick

2321

1 Q At that point, had the defendant filmed you?

2 A Yes.

3 Q Engaged in sexual intercourse with him?

4 A Yes.

5 Q Had he taken pictures of you and your naked body?

6 A Yes.

7 Q Were you concerned about those coming out at some point?

8 A Absolutely.

9 Q Did they in fact come out on the Surviving Lies Facebook
10 page?

11 A Ultimately, yes, they did.

12 MS. SHIHATA: No further questions.

13 THE COURT: Okay. Cross-examination.

14 CROSS-EXAMINATION

15 BY MR. CANNICK:

16 Q Before you started your testimony yesterday, you had met
17 with the Government to go over the questions that they were
18 going to ask of you in this courtroom, am I correct?

19 A Correct.

20 Q And you also spoke with them last night?

21 A Incorrect.

22 Q You didn't speak with them last night?

23 A I didn't speak with them last night.

24 Q You said you did or you didn't?

25 A I didn't.

Faith - Cross - Cannick

2322

1 Q You did?

2 THE COURT: Did not.

3 A Did not.

4 Q When was the last time you spoke with them?

5 A This morning when we said good morning.

6 Q And other than the good morning, you had no communication
7 about the facts that you just testified to today or yesterday?

8 A Can you ask your question again?

9 Q When you spoke with them and said good morning this
10 morning, did you discuss any of the details concerning what
11 you've been telling the jury?

12 A No. We discussed me looking at something that I had
13 already seen.

14 Q What was it that you looked at?

15 THE WITNESS: Do I have to answer that question?

16 THE COURT: Yes. I'll let you know if you don't.

17 A Okay. It was a picture of my texts. I was looking at
18 the time.

19 Q That was something concerning about the case, am I
20 correct?

21 MS. SHIHATA: Objection as to form.

22 THE COURT: Did you look at anything else besides
23 that text?

24 THE WITNESS: No, I just looked at the time.

25 THE COURT: Okay. Next question.

Faith - Cross - Cannick

2323

1 BY MR. CANNICK:

2 Q Now, before yesterday, when was it that you last met with
3 the Government to discuss the case have?

4 MS. SHIHATA: Objection as to form. She testified
5 she didn't meet yesterday.

6 MR. CANNICK: I said before yesterday.

7 THE COURT: The objection is overruled.

8 A Can you ask the question again?

9 Q Before yesterday, when was the last time you met with the
10 Government to discuss this case?

11 A I saw them on Sunday.

12 Q What time you saw them on Sunday?

13 A I'm not sure.

14 Q You saw them in the morning?

15 A I don't remember what time I saw them.

16 Q So you don't remember what time you saw them on Sunday,
17 but you remember all these details from three years ago?

18 MS. SHIHATA: Objection.

19 THE COURT: Overruled.

20 A Correct.

21 Q Do you remember what time you left them on Sunday?

22 A No.

23 Q Do you remember what time -- how much time you spent with
24 them on Sunday?

25 A No.

Faith - Cross - Cannick

2324

1 Q What about other than Sunday, had you met with them
2 before to discuss the details of this case?

3 A Correct.

4 Q Does that mean you did?

5 A Yes.

6 Q And what date was that?

7 A I'm not sure of the exact date.

8 Q And was it a week prior?

9 A I'm not sure of the exact date.

10 Q I'm not asking you about the exact date, I'm asking you
11 if it was a week prior?

12 THE COURT: I'm a little confused right now. Are
13 you asking before Sunday, the time before that?

14 MR. CANNICK: Yes.

15 THE COURT: Okay. Just approximately, did you meet
16 with -- you met with them before Sunday, correct?

17 THE WITNESS: Correct.

18 THE COURT: Do you remember about when that was
19 generally?

20 THE WITNESS: I met with them last month I believe
21 as well.

22 BY MR. CANNICK:

23 Q How many times have you met with the Government before
24 coming and giving testimony to this Court?

25 A I'm not sure to be exact.

Faith - Cross - Cannick

2325

1 Q Now, was it more than three?

2 A Correct.

3 Q More than five?

4 A I'm not sure.

5 Q Before speaking to the Government, well at least --
6 withdrawn.

7 You also made talk show appearances concerning what
8 you're telling us about now, am I correct?

9 A You're correct.

10 Q What talk shows have you been on to give your account as
11 to what you said happened here?

12 A I've been on a few. I'm not exactly sure of all the
13 names, but I've been on a few.

14 Q You've been on Dr. Oz?

15 A Correct.

16 Q Were you also on some social media shows?

17 A Correct.

18 Q And you participated in Surviving R. Kelly, correct?

19 A Correct.

20 Q When did you start your participation in Surviving R.
21 Kelly?

22 A My participation in Surviving R. Kelly happened after my
23 lawsuit was filed.

24 Q My question is, when was it that you started your
25 participation in Surviving R. Kelly?

Faith - Cross - Cannick

2326

1 A I'm not sure of the exact date.

2 Q It was certainly before you went to New York for the
3 premiere, am I correct?

4 A I'm sorry, can you ask that question again?

5 Q Your participation in Surviving R. Kelly started before
6 you came to New York for the premiere, am I correct?

7 A Correct.

8 Q When was it that you made the trip to New York for the
9 premiere?

10 A January 2019.

11 Q When you participated in Surviving R. Kelly, did you
12 receive compensation?

13 A I received compensation for the picture of me, my sister,
14 and R. Kelly.

15 Q So you did receive compensation?

16 A For a picture, yes.

17 Q How much compensation did you receive?

18 A \$1,000 for the picture.

19 (Continued on next page.)

20

21

22

23

24

25

Faith - Cross - Cannick

2327

1 CROSS-EXAMINATION

2 BY MR. CANNICK: (Continuing)

3 A A thousand dollars for the picture.

4 Q That's all the monies that you received from your
5 involvement with *Surviving R. Kelly*?

6 A Correct.

7 Q Did you receive any monies for any of the talk shows that
8 you participated in?

9 A No.

10 Q What about any of the social media appearances?

11 A Podcasts; no, sir.

12 Q Now, what were you doing before -- withdrawn.

13 And when was it you met R. Kelly?

14 A In 2017.

15 Q And you were in college at that time?

16 A Correct.

17 Q And you said that you realized college was not for you
18 and you decided that you would -- you weren't going to pursue
19 that anymore, correct?

20 A Correct.

21 Q Now, after you made that decision, did you seek
22 employment?

23 A No, sir.

24 Q And so at any point in time during your relationship with
25 Mr. Kelly, were you employed?

Faith - Cross - Cannick

2328

1 A No, sir.

2 Q Now, before meeting Mr. Kelly, had you been in pursuit of
3 an acting career?

4 A No, sir.

5 Q Before your involvement with *Surviving R. Kelly*, were you
6 in pursuit of an acting career?

7 A No, sir.

8 Q After *Surviving R. Kelly*, did you start pursuit of an
9 acting career?

10 A The opportunity came and went. No, sir.

11 Q And when the opportunity came -- when you say that the
12 opportunity came and went, what do you mean?

13 A I was asked to be a part of something, I considered it, I
14 decided not to move forward.

15 Q And was that a project in Los Angeles?

16 A No, sir.

17 Q You appeared on a podcast in L.A.?

18 A Yes, sir.

19 Q What was the name of that podcast?

20 A I don't remember.

21 Q You appeared on a podcast. Was there a host or a
22 hostess?

23 A Correct.

24 Q And you sat opposite that hostess, am I correct?

25 A Correct.

Faith - Cross - Cannick

2329

1 Q It was a female, am I correct?

2 A Correct.

3 Q An African-American female, am I correct?

4 A Correct.

5 Q And you sat opposite her and you had a conversation for
6 well over an hour, am I correct?

7 A Correct.

8 Q And in that podcast, you discussed what were going --
9 some of the things that were happening for you since *Surviving*
10 *R. Kelly*, am I correct?

11 A Correct.

12 Q And you told her that you had opportunities that came
13 about, opportunities -- not an opportunity, but opportunities
14 -- that came about for acting, am I correct?

15 A I don't remember saying that with her.

16 Q You know that was televised?

17 Well, it was recorded and there is a video up?

18 A Correct.

19 Q Now, after *Surviving R.* -- well, withdrawn.

20 Before your participation in *Surviving R. Kelly*, did
21 you have an attorney?

22 A Can you ask your question again?

23 Q Before your participation in *Surviving R. Kelly*, did you
24 have an attorney?

25 A Yes.

Faith - Cross - Cannick

2330

1 Q Who was that attorney?

2 A Lee Merrick.

3 Q And Lee Merrick is an attorney out of San Antonio?

4 A Incorrect.

5 Q I'm asking you a question. I'm not -- is Lee Merrick an
6 attorney out of San Antonio?

7 A He's an attorney out of Dallas, Texas.

8 Q So the answer to my question is that he's not from
9 San Antonio?

10 A No.

11 Q Now, after, did you at some point retain another
12 attorney?

13 A Yes.

14 Q And who was that attorney?

15 A Gloria Allred.

16 Q And Gloria Allred is in the courtroom with you today,
17 correct?

18 A Yes.

19 Q And do you have any pending lawsuits?

20 A Yes.

21 Q And is Ms. Allred involved in those lawsuits?

22 A She is not.

23 Q Another lawyer is?

24 A Lee Merrick.

25 Q Now, when was it that you retained Ms. Allred?

Faith - Cross - Cannick

2331

1 MS. SHIHATA: Objection, Your Honor, as to
2 relevance.

3 THE COURT: Overruled.

4 A Once the whole trial and everything came about, the
5 criminal process started, I got legal advising from Ms.
6 Allred.

7 Q So my question, ma'am, is when was it that you retained
8 Ms. Allred?

9 A I'm not sure of the exact date.

10 Q Do you remember the year?

11 A Around 2019, I believe.

12 Q And do you remember the month?

13 A No.

14 Q That show, that podcast that I spoke to you about is
15 called *The Paper Route*, am I correct?

16 THE COURT: It is called the what?

17 MR. CANNICK: *The Paper Route*.

18 THE COURT: *The Paper Route*?

19 MR. CANNICK: Yes.

20 THE COURT: Yes.

21 A Correct.

22 Q And what's the name of the hostess?

23 A I don't remember her name. That was my first time
24 meeting her.

25 Q My question was, what was her name?

Faith - Cross - Cannick

2332

1 THE COURT: She said she did not remember.

2 Next question.

3 Q Your appearance there was about a year ago?

4 A Give or take, yes.

5 Q On that podcast, you also discussed the choices you've
6 made in connection with this, with Mr. Kelly, correct?

7 A Correct.

8 Q We'll get to it.

9 THE COURT: I did not hear what you said.

10 MR. CANNICK: I said we'll get to it.

11 THE COURT: Oh.

12 Q Now, before you brought any lawsuit here, you and
13 Mr. Merrick had a demand letter sent to Mr. Kelly for money,
14 am I correct?

15 A That is incorrect.

16 Q Didn't you and Mr. Merrick send a demand letter to
17 Mr. Kelly for \$3 million?

18 A That is incorrect. I wasn't aware of that.

19 Q Mr. Merrick was your attorney, am I correct?

20 A Correct.

21 Q You retained him, am I correct?

22 A Correct.

23 Q And you're telling this jury that he sent out -- that he
24 sent out a demand letter for \$3 million you were not aware of?

25 A I did not read over the demand letter. I was not aware

Faith - Cross - Cannick

2333

1 he was asking for \$3 million or money.

2 Q What did you hire him for?

3 MS. SHIHATA: Objection.

4 THE COURT: Sustained as to form.

5 Q Well, you hired him to sue Mr. Kelly, am I correct?

6 A Incorrect.

7 Q You didn't hire Mr. -- this attorney to sue Mr. Kelly,
8 claiming that he gave you herpes?

9 THE WITNESS: May I answer?

10 THE COURT: You can answer.

11 A I hired Mr. Merrick prior, before even looking at a
12 lawsuit, to help me pursue criminal charges against Mr. Kelly,
13 which I got no help from, so then came the lawsuit next.

14 Q Okay. It became a lawsuit next.

15 When was the first time you attempted to bring
16 criminal charges against Mr. Kelly?

17 A In Dallas, Texas.

18 Q My question is when.

19 A I don't remember the exact date.

20 MR. CANNICK: May I approach the witness?

21 THE COURT: Yes.

22 Q I'm going to direct your attention to this highlighted
23 area.

24 You looked at the document?

25 A Correct.

Faith - Cross - Cannick

2334

1 Q Did it refresh your recollection that you went to the
2 Dallas Police Department on April 9, 2018?

3 A Correct.

4 Q And you had Mr. Merrick file a lawsuit on April 17, 2018,
5 am I correct?

6 A Can you repeat those dates again?

7 Q Dallas Police Department, April 9th, 2018, lawsuit --
8 well, demand letter dated April 17, 2018.

9 A Are you asking me a question?

10 Q I did. And you asked me to give you the dates again.

11 MR. CANNICK: Can I have the question read back to
12 her?

13 THE COURT: Sure.

14 MR. CANNICK: Where she asked for the dates.

15 (The record was read.)

16 A Correct.

17 Q Now, before making an effort to file a complaint with the
18 Dallas Police Department, had you made an attempt to file a
19 criminal complaint anywhere else?

20 A In New York.

21 Q What was the date of that?

22 A I'm not sure of the exact date.

23 Q And when you say that you filed one in New York, where
24 specifically?

25 A I don't remember where specifically.

Faith - Cross - Cannick

2335

1 Q Did you go to these places to file these lawsuit -- these
2 criminal --

3 A Correct.

4 Q And as you sit here today, you don't have a recollection
5 as to where you went?

6 A I do not know the exact location and city name.

7 Q Was one in New York City?

8 A Correct.

9 Q And was one in Westbury, Long Island?

10 THE COURT: I think I am having a little trouble
11 hearing you. I do not know if your microphone...

12 Better, better. Okay.

13 Q You said one was in New York City. Do you remember the
14 date of that?

15 A I don't remember the date.

16 Q Wasn't that in January 14, 2019?

17 A I don't remember the date.

18 Q Well, let's see if this refreshes your recollection, the
19 top portion.

20 No, down.

21 A Right here?

22 Q Right there.

23 Does that refresh your recollection?

24 A Yes.

25 Q What's the date?

Faith - Cross - Cannick

2336

1 THE COURT: Again, your microphone is not...

2 Q You said that refreshes your recollection?

3 A Yes.

4 Q What's the date?

5 A January -- may I see it again?

6 Q Beg your pardon?

7 A Can I see it again?

8 January 14th.

9 Q What year?

10 A 2019.

11 Q And you filed another lawsuit, criminal case in Suffolk
12 County?

13 THE COURT: She filed a criminal case or did she
14 make a complaint?

15 MR. CANNICK: She made a complaint to file a
16 criminal case.

17 THE COURT: Well, that is still --

18 MS. SHIHATA: Objection.

19 THE COURT: It is still sustained as to form.

20 First, you cannot file a criminal case.

21 She made a complaint to detectives in Suffolk
22 County; is that what you are asking her?

23 MR. CANNICK: That's exactly what I'm asking her.

24 THE COURT: Okay. Or police officer.

25 Q Now, you made this complaint in June 21, 2018, Suffolk

Faith - Cross - Cannick

2337

1 County?

2 A I don't remember.

3 THE COURT: You don't remember the date?

4 You want to show her the --

5 MR. CANNICK: Yes.

6 THE WITNESS: I'm sorry, I'm getting confused.

7 THE COURT: That is all right. He is going to show
8 you the date. All he wants to know is whether you remember
9 the date you spoke to the police in Suffolk County here in
10 New York.

11 THE WITNESS: Correct.

12 THE COURT: Does that refresh your recollection of
13 when that happened?

14 THE WITNESS: Correct.

15 THE COURT: When was it?

16 THE WITNESS: In 2018.

17 THE COURT: But do you know the specific --

18 THE WITNESS: June 2018.

19 THE COURT: Okay. Next question.

20 BY MR. CANNICK:

21 Q Now, before coming in and speaking to us, you and I had
22 never spoken, am I correct?

23 A Correct.

24 Q Now, you testified and told us that there came a point in
25 time that you went to a concert with your sister and at some

Faith - Cross - Cannick

2338

1 point that evening you met Mr. Kelly. Do you remember telling
2 us about that?

3 A Correct.

4 Q And you testified and told us that you exchanged numbers?

5 A I did not testify and say we exchanged numbers. I said
6 he gave me his number.

7 Q And you did not give him your number?

8 A We texted.

9 Q And at some point, there came a point where you had
10 conversations afterwards?

11 A Correct.

12 Q And there was an agreement or an understanding that you
13 could visit him on, some point, the road or wherever?

14 A Correct.

15 Q In fact, he told you that whenever you wanted to, that
16 you could visit him?

17 A Correct.

18 Q So after he told you that, you made a decision that you
19 would go and visit him?

20 A Correct.

21 Q You made a choice, am I correct?

22 A Correct.

23 Q In fact, you met him at the show and you said that you
24 were invited to an afterparty, along with your sister, and he
25 made certain overtures to you at that meeting, am I correct?

Faith - Cross - Cannick

2339

1 A Correct.

2 Q And after he made those overtures to you, you started
3 texting?

4 A Correct.

5 Q And eventually started speaking?

6 A Correct.

7 Q And then eventually start FaceTiming?

8 A Correct.

9 Q And in those communications, he flirted with you, am I
10 correct?

11 A Correct.

12 Q And you returned the flirt, am I correct?

13 A Correct.

14 Q And then it came, as said earlier, that he invited you,
15 that if you want to come and visit, contact someone from his
16 office, correct?

17 A Correct.

18 Q And you made that contact, right?

19 A Correct.

20 Q Not your sister; you made that contact, right?

21 A Correct.

22 Q And then you got -- you texted and you told Diana?

23 A Correct.

24 Q You told her Mr. Kelly says to get me a ticket?

25 A I didn't say give me a ticket.

Faith - Cross - Cannick

2340

1 Q What did you say?

2 A I gave her the days I would like to come and she checked
3 with him to make sure that was okay, and then the flight was
4 booked.

5 Q Flight was booked.

6 And eventually you got a return from Diana with
7 respect to your interest in going to visit him, am I correct?

8 A Can you say that again, please?

9 Q Eventually you got a response that Mr. Kelly said it was
10 okay and a flight was booked?

11 A Correct.

12 Q And then eventually you received a ticket?

13 A Correct.

14 Q And the ticket was not in your name?

15 A Correct.

16 Q The ticket was in another person's name?

17 A Correct.

18 Q Another female?

19 A Correct.

20 Q And after you got that ticket, you made the choice in
21 saying I ain't going?

22 THE COURT: I did not hear what you said, I am
23 sorry. Did you say "I ain't going"?

24 MR. CANNICK: Yes, "I ain't going."

25 THE COURT: That is all right. I just could not

Faith - Cross - Cannick

2341

1 hear it.

2 MR. CANNICK: Okay.

3 Q Am I correct, ma'am?

4 A You're correct.

5 Q And you made that choice, right?

6 A Correct.

7 Q So after you got this ticket in someone else's name, you
8 realized, came to the conclusion that you know what, that
9 offends my dignity, I'm not going, right?

10 A I never said that it offended my dignity.

11 Q Okay. Why you chose not to go?

12 A I just felt like for the first time, that was improper.

13 Q Okay. Let's talk about the second time.

14 After you felt still that that was not the proper
15 thing, you eventually continued to communicate with Mr. Kelly,
16 am I correct?

17 A Correct.

18 Q And there were text messages?

19 A Correct.

20 Q Telephone calls?

21 A Correct.

22 Q FaceTimes?

23 A Correct.

24 Q And you participated of your own will, am I correct?

25 A Correct.

Faith - Cross - Cannick

2342

1 Q You answered the phone when he called?

2 A Correct.

3 Q You sent text messages?

4 A Correct.

5 Q And you got involved into FaceTiming?

6 A Correct.

7 Q And then eventually you decided I'm going, I want to take
8 another trip?

9 THE COURT: Take another trip?

10 MR. CANNICK: Yes, to visit Mr. Kelly.

11 THE COURT: Had she been yet?

12 MR. CANNICK: Well, "give it another shot."

13 THE COURT: All right.

14 Q You gave it another shot?

15 A Can you ask me the question all over again?

16 Q After exchanging communications, continuing to flirt, you
17 decided that you would give it another shot to visit
18 Mr. Kelly?

19 A Correct.

20 Q Now, again, you made that decision?

21 A Correct.

22 Q And you decided that you would then contact Diana, am I
23 correct?

24 A Correct.

25 Q And you asked for another ticket, am I correct?

Faith - Cross - Cannick

2343

1 A Correct.

2 MR. CANNICK: Your Honor, would this be a good time?

3 THE COURT: Sure.

4 All right, ladies and gentlemen, we are going to
5 break for lunch. We are going to take a slightly longer lunch
6 today. I have another matter to attend to, so we will be back
7 at 2:30. Please don't talk about the case or look anything up
8 or anything like that, but enjoy your lunches.

9 THE CLERK: All rise.

10 (Jury exits the courtroom.)

11 THE COURT: All right. Everybody can sit down.

12 The witness can step out. We will see you after
13 lunch.

14 Anything from either side before we break for lunch?

15 MS. SHIHATA: Not from the government.

16 MR. SCHOLAR: No, Your Honor.

17 THE COURT: Okay. And, Mr. Cannick, I am going to
18 ask my same fruitless question that I ask all the time. Do
19 you have a sense of how long you are going to be? I am just
20 trying to figure out what we can accomplish today.

21 MR. CANNICK: I'm sure that we'll be finished with
22 her before the end of the day. We may be finished with her
23 probably around 4:00, maybe.

24 THE COURT: Okay. All right. All right. So --

25 MR. CANNICK: If that long.

Faith - Cross - Cannick

2344

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THE COURT: Okay.

All right. Everybody enjoy their lunches.

(Luncheon recess taken.)

(Continuing on the following page.)

Faith - Cross - Cannick

2345

1 AFTERNOON SESSION

2 (In open court; jury not present.)

3 (Parties present.)

4 THE CLERK: All rise.

5 THE COURT: Everybody can sit down.

6 All right. Let's get the witness, please.

7 (Discussion held off the record.)

8 (Witness enters the courtroom.)

9 THE CLERK: All rise.

10 (Jury enters the courtroom.)

11 THE CLERK: You may be seated.

12 THE COURT: All right, everybody, does it feel any
13 warmer in here today?

14 THE JURY: Yes.

15 THE COURT: Glad to hear it. Wish I could say I had
16 something to do with it.

17 All right. We are ready to resume the
18 cross-examination of the witness.

19 Go ahead, Mr. Cannick.

20 MR. CANNICK: Thank you.

21 THE CLERK: The witness is reminded she is still
22 under oath.

23 THE WITNESS: Yes.

24 CROSS-EXAMINATION

25 BY MR. CANNICK: (Continuing.)

Faith - Cross - Cannick

2346

1 Q Before going out to meet Mr. Kelly -- well, let me
2 withdraw that.

3 After your initial meeting with Mr. Kelly at the
4 afterparty, did you Google him?

5 A Yes.

6 Q And why did you Google him?

7 A To find out who he was, because I wasn't a fan.

8 Q And you did, in fact, read up about who he was?

9 A Can you ask your question again?

10 Q You read -- after you Googled him, you read what was
11 returned, am I correct?

12 A I'm sorry, can you ask that question again?

13 Q You Googled him?

14 A Yes.

15 Q You read what you saw on the computer, am I correct?

16 A Yes.

17 Q Okay. Now, do you recall an instance where in your
18 earlier communications with Mr. Kelly he responded to you
19 "Come on, I am who I am. I see a few people, but I'm not
20 married, laugh out loud."

21 A Yes.

22 Q And your response was "Laugh out loud. I understand."

23 A Correct.

24 Q Now, what were you -- what did you take that
25 communication to mean?

Faith - Cross - Cannick

2347

1 A I understood that he wasn't married, he dates multiple
2 people.

3 Q And he told you that in the initial part of the
4 communication between the two of you, am I correct?

5 A Correct.

6 Q Now, you told us about a situation when you were dating
7 your first boyfriend, that you were assaulted by his other
8 girlfriend. Do you remember telling us about that?

9 A The mother of his child, not his other girlfriend. Yes,
10 I remember saying that.

11 Q There's a distinction?

12 A The mother of your child and a girlfriend, yes, there's a
13 distinction.

14 Q Okay.

15 A That's like a wife and a girlfriend. Two different
16 things.

17 Q If I ask a question, please just respond to the question
18 that I ask. Okay?

19 Now, you testified as a result of that you developed
20 a problem, epilepsy?

21 A Correct.

22 Q And you testified that as a result, you have to be
23 careful with drinking alcohol because alcohol may trigger a
24 seizure?

25 A Correct.

Faith - Cross - Cannick

2348

1 Q Now, you testified and told us as well that when you went
2 to Mr. Kelly's afterparty, you had some alcohol?

3 A That is incorrect. I never said that.

4 Q You didn't have any alcohol?

5 A I did not have any alcohol.

6 Q There was an occasion where you did have alcohol with
7 Mr. Kelly, am I correct?

8 A Yes.

9 Q And you did a -- you consumed the alcohol of your own
10 choosing, am I correct?

11 A Can you ask that question again?

12 THE COURT: I think he is asking, nobody made you
13 drink alcohol; is that right?

14 THE WITNESS: Correct.

15 THE COURT: Okay. Next question.

16 Q So that wasn't just one time, it was multiple times that
17 you consumed alcohol of your own choosing?

18 A Correct.

19 Q Now, you testified and told us that you were asked by
20 Mr. Kelly to call him Daddy. Do you remember telling us about
21 that?

22 A Correct.

23 Q And you did call him Daddy, am I correct?

24 A Yes.

25 Q And in your conversations with him, you called him Daddy?

Faith - Cross - Cannick

2349

1 A Yes.

2 Q And in your text messages you called him Daddy, am I
3 correct?

4 A Yes.

5 Q Now, that was of your choosing, am I correct?

6 A Yes.

7 Q He asked you to and you decided yes, I can call you
8 Daddy?

9 A I respected what he asked to be called, yes.

10 Q Well, you didn't have to call him Daddy, right?

11 A No.

12 Q In fact, if I recall your testimony correctly, you said
13 that there was a time that he called you on the phone and you
14 answered the phone, and basically he was not satisfied with
15 you not calling him Daddy and he hung up. Do you remember
16 telling us about that?

17 A Yes.

18 Q And then, according to you, he called back again and this
19 time you called him Daddy, am I correct?

20 A Correct.

21 Q Now, you had the option of not answering the phone, am I
22 correct?

23 A Correct.

24 Q You knew it was him that was calling, am I correct?

25 A Correct.

Faith - Cross - Cannick

2350

1 Q And you answered the phone and you called him Daddy?

2 A Correct.

3 Q When you sent those text messages, you called him Daddy?

4 A Yes, sir.

5 Q So he asked you to call him Daddy and you started calling
6 him Daddy?

7 A Yes, sir.

8 Q Now, let's talk about the first trip to New York. You
9 testified and told us that there came a point in time that he
10 invited you -- well, you asked for a trip to New York. Do you
11 remember telling us about that?

12 A Yes.

13 Q And you text Diana?

14 A Yes.

15 Q And you asked for the accommodation to be arranged, am I
16 correct?

17 A Yes.

18 Q You did all that, correct?

19 A Yes.

20 Q And after you asked for the accommodation to be arranged,
21 you got on the plane?

22 A Yes.

23 Q And you took the plane to New York?

24 A Yes.

25 Q In fact, wasn't this a connecting flight?

Faith - Cross - Cannick

2351

1 A Yes.

2 THE COURT: I could not hear you.

3 THE WITNESS: Yes.

4 Q So you had an opportunity in Nashville, where you made
5 the connecting flight, to change your mind, right?

6 A Yes.

7 Q But instead you boarded the next flight from Nashville to
8 Long Island, right?

9 A Yes.

10 Q And then you came there and you went to a hotel?

11 A Yes.

12 Q What time you got to the hotel?

13 A I don't remember.

14 Q Was it in the afternoon?

15 A I don't remember.

16 Q Was it in the morning?

17 A I don't remember.

18 Q Was it in the evening?

19 MS. SHIHATA: Objection.

20 THE COURT: Overruled.

21 Do you remember what time of day?

22 THE WITNESS: I don't remember.

23 Q Now, you, at some point, contacted Diana after you
24 arrived at the hotel?

25 A Correct.

Faith - Cross - Cannick

2352

1 Q And you wanted to know what you should be doing, what's
2 going to happen next, am I correct?

3 A Yes.

4 Q And could you speak a little louder?

5 A Yes.

6 Q And basically, you had that option, right? You didn't
7 have to go out; you contacted Diana to ask what are we going
8 to do next, right?

9 A Yes.

10 Q Okay. And then Diana told you nothing was going to
11 happen until 8:00, do you remember that?

12 A Yes.

13 Q And then at 8:00, sometime around that, you went to the
14 concert?

15 A Yes.

16 Q Okay. And you testified and told us that you didn't sit
17 in the first row, but you were someplace very close to the
18 front?

19 A Yes.

20 Q Now, this was at Westbury Coliseum?

21 A Correct.

22 Q And you testified and told the jury that Mr. Kelly
23 actually performed to you, he was making eye contact with you
24 and singing to you, am I correct?

25 A Correct.

Faith - Cross - Cannick

2353

1 Q And you stared back at him, am I correct?

2 A Yes.

3 Q Now, was the stage a rotating stage?

4 A I don't remember.

5 Q How many acts you saw that night?

6 A Just him.

7 Q And when you were watching Mr. Kelly, did you notice that
8 the stage would rotate around and come back around?

9 A I don't remember if the stage was rotating.

10 Q Well, according to you, during that show he was singing
11 to you?

12 A I stated he interacted with me during the show, yes, I
13 said that.

14 Q Okay. Now, you testified that after the show you went --
15 you were asked if you were going to go to the afterparty?

16 A Incorrect.

17 Q Were you asked if you were going to go to the afterparty?

18 A Are you referring to the show in New York?

19 Q Well, that's what we're talking about.

20 A That's incorrect. I wasn't asked if I was going to go
21 anywhere. Diana told me where I was going and where he was
22 going.

23 (Continuing on the next page.)

24

25

Faith - cross - Cannick

2354

1 EXAMINATION CONTINUES

2 BY MR. CANNICK:

3 Q Did you go to the after-party?

4 A No.

5 Q Now, you got an Uber back to the hotel?

6 A Yes.

7 Q And you were not told about the after-party?

8 A I was told he was going to the after-party and I was
9 going back to my hotel.

10 Q And you were told that and then you did, right?

11 A Yes.

12 Q Okay. And then you testified and told the jury at some
13 point in the early morning hours, around 6:00, Mr. Kelly came
14 to your room?

15 A Correct.

16 Q And according to you, there was a sexual encounter
17 that -- that really humiliated you?

18 A I said it was awkward, yes.

19 Q Awkward. You didn't want that to happen you told the
20 jury, right?

21 A Correct.

22 Q In fact, you -- you felt -- you felt a kind of way about
23 it that you even called your sister, correct?

24 A Incorrect.

25 Q You called your friend?

SAM

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Faith - cross - Cannick

2355

1 A My best friend.

2 Q Yes. And, basically, you called your best friend because
3 you said that you wanted to find out if you were off?

4 A Incorrect.

5 Q Why did you call your best friend?

6 A I said I wanted to see what she had to say about the
7 situation.

8 Q Okay. And she -- she had something to say about the
9 situation, and you felt as though that whatever Mr. Kelly said
10 to you as he was leaving the room was constructive criticism
11 according to you?

12 A Incorrect, I stated that's what he told me. I did not
13 say that's what it was.

14 Q So, he told you that it was constructive criticism?

15 A Yes.

16 Q Now, after he gave you that constructive criticism and
17 after you went through that degrading experience with him, you
18 flew back to San Antonio, am I correct?

19 A Correct.

20 Q And then there came a point in time, according to you, he
21 contacted you again?

22 A Correct.

23 Q And after he contacted you, you and he exchanged text
24 messages?

25 A We were already exchanging text messages.

Faith - cross - Cannick

2356

1 Q Did you continue to exchange text messages?

2 A Correct.

3 Q Did you continue to talk on the phone?

4 A Correct.

5 Q Did you continue to Facetime?

6 A Correct.

7 Q And after this experience that you had in New York that
8 you felt degraded about, you asked for another trip; am I
9 correct?

10 A We talked about another trip, me coming again, yes.

11 Q You asked for another trip, am I correct?

12 A He said he wanted to see me and I gave Diana the dates I
13 was available.

14 Q And you did that?

15 A Correct.

16 Q Even after that experience that you supposedly had in
17 New York?

18 A Correct.

19 Q You decided, you know what, I want to see him again?

20 A Correct.

21 Q Forget the fact that he constructively criticized me, I
22 want to go back again?

23 A Correct.

24 Q Forget the fact that he -- he degraded me, I want to see
25 him again?

SAM

OCR

RMR

CRR

RPR

Faith - cross - Cannick

2357

1 A Correct.

2 Q And after you made that decision to contact Diana, you
3 got a ticket, am I correct?

4 A Correct.

5 Q You got yourself prepared, am I correct?

6 A Correct.

7 Q And you went to the airport?

8 A Correct.

9 Q And you took the flight to where he was, am I correct?

10 A Correct.

11 Q And then after you got to that place -- where was that
12 place, anyhow?

13 A Which place are you referring to?

14 Q The trip after New York.

15 A I went back home.

16 Q Come on.

17 A You're very --

18 Q I know what I'm talking about, you know what I'm talking
19 about?

20 THE WITNESS: He's not being clear, I'm sorry, Your
21 Honor.

22 THE COURT: All right, everybody stop. You stop and
23 you stop.

24 The question is what is the -- I think the question
25 is what is the next place that you went to, to see Mr. Kelly?

SAM

OCR

RMR

CRR

RPR

Faith - cross - Cannick

2358

1 Do I have that right, Mr. Cannick?

2 MR. CANNICK: Absolutely, Your Honor.

3 THE COURT: All right, so that's the question.

4 What city did you go to next?

5 THE WITNESS: The city I went to next after New York
6 was Chicago.

7 THE COURT: All right, next question.

8 BY MR. CANNICK:

9 Q So, in Chicago you had another sexual encounter with him,
10 am I correct?

11 A Correct.

12 Q An unwanted sexual encounter?

13 A Correct.

14 Q And after you had this unwanted sexual encounter, you
15 went back to San Antonio, am I correct?

16 A Correct.

17 Q And then you continued to text -- exchange text messages
18 with him?

19 A Correct.

20 Q And you continued to have telephone calls with him?

21 A Correct.

22 Q And you continued to Facetime with him?

23 A Correct.

24 Q And then you asked for another trip?

25 A We discussed me coming next time, yes.

SAM

OCR

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RPR

Faith - cross - Cannick

2359

1 Q And you discussed it after that degrading experience --

2 MS. SHIHATA: Objection.

3 THE COURT: Overruled.

4 BY MR. CANNICK:

5 Q You discussed it and you decided that you're going to
6 take another trip to see him?

7 A Correct.

8 Q And you went through the same process, you contacted
9 Diana?

10 A Correct.

11 Q And you got out to the airport?

12 A Yes.

13 Q And then you went to meet him again?

14 A Yes.

15 Q When you met him again, where was that city?

16 A After Chicago, I went to Dallas.

17 Q Okay. And Dallas was a similar experience, another
18 degrading sexual encounter, am I correct?

19 A I never said that.

20 Q You didn't like what was going on with him sexually, am I
21 correct?

22 A I didn't say that about the Dallas trip either.

23 Q In the Dallas trip you testified and told us that you --
24 you consumed a lot of alcohol?

25 A Correct.

SAM

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RPR

Faith - cross - Cannick

2360

1 Q In fact, you told us that it was Cîroc?

2 A Correct.

3 Q And this was -- now, you had been diagnosed with this
4 condition that would cause you to have a seizure before you
5 went to Dallas, am I correct?

6 A Correct.

7 Q And you knew that the alcohol would cause or could
8 trigger a seizure, am I correct?

9 A Too much alcohol can cause you to have a seizure, yes.

10 Q And you made that decision to consume the alcohol again,
11 am I correct?

12 A Correct.

13 Q And after some point, I think you alluded to the fact
14 that because of the alcohol you had sexual encounters with
15 Mr. Kelly, am I correct?

16 A I never said because of the alcohol that's why I had sex
17 with him. I never said that.

18 Q Okay. Now, you also indicated that you were left in the
19 Sprinter for long periods of time?

20 A I didn't indicate. I said I was left in the Sprinter for
21 a long period of time.

22 Q Yes. So, you indicated that you were left there while
23 they were in the cigar bar?

24 A Incorrect.

25 Q So, you were left in the Sprinter?

SAM

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RMR

CRR

RPR

Faith - cross - Cannick

2361

1 A Correct.

2 Q And how long were you left in the Sprinter?

3 A For a number of hours.

4 Q When you say "a number of hours," more than two?

5 A Correct.

6 Q More than four?

7 A It might have been about four hours.

8 Q You didn't like that?

9 A Correct.

10 Q In fact, you felt a little humiliated?

11 A I never said I felt humiliated.

12 Q I'm asking you, did you feel humiliated?

13 A Humiliated, no; left behind, yes.

14 Q And you didn't want to be left behind, right?

15 A Correct.

16 Q You wanted to be with him, right?

17 A Correct.

18 Q Okay. And so -- and you felt as though he was not

19 sensitive to the fact that you wanted to be with him?

20 A Incorrect, I never said that.

21 Q I didn't ask you if you said that, I'm asking you if

22 that's how you felt?

23 A No.

24 Q So, when you said a short while ago that you felt left

25 behind, it didn't bother you that you were left behind for

SAM

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RPR

Faith - cross - Cannick

2362

1 about four hours?

2 A It bothered me for the amount of time that I was left
3 behind. If he had something to do, that's his job, he's an
4 entertainer; it was just being there.

5 Q But weren't you -- weren't you -- weren't you upset that
6 you couldn't leave on your own will?

7 A Correct.

8 Q Weren't you upset that you didn't have food to eat?

9 A I was upset about not being able to use the bathroom. I
10 wasn't hungry in the Sprinter.

11 Q Okay. But you were upset about not being able to use the
12 bathroom, am I correct?

13 A Correct.

14 Q And anything else about the trip upset you?

15 A No.

16 Q So, then eventually you went back to San Antonio?

17 A Yes.

18 Q Okay. And then after being left in the Sprinter in this
19 occasion for an excessive amount of hours and feeling left
20 behind, you decided to visit him again at another destination,
21 am I correct?

22 A Correct.

23 Q And, again, of your own will?

24 A Correct.

25 Q You contacted Diana to make those arrangements for you?

Faith - cross - Cannick

2363

1 A Correct.

2 Q And what city did you go to next?

3 A Los Angeles.

4 Q And it was in Los Angeles that you testified and told the
5 jury that he was stern?

6 A Correct.

7 Q And you testified and told the jury that he had a gun
8 next to him as he spoke to you?

9 A The gun was beside him, yes.

10 Q And frightened you, right?

11 A Made me uncomfortable, yes.

12 Q Very uncomfortable, scared?

13 A Yes.

14 Q And then he had unwanted sex with you?

15 A Oral sex.

16 Q Oral sex, yes. You didn't want that?

17 A Correct.

18 Q So he had a gun, that frightened you, right?

19 A Correct.

20 Q He performed oral sex on you that you didn't want, am I
21 correct?

22 A Incorrect, I never said that happened in LA.

23 Q What?

24 (Pause.)

25 BY MR. CANNICK:

SAM

OCR

RMR

CRR

RPR

Faith - cross - Cannick

2364

1 Q So, he made you perform oral sex on him?

2 A Correct.

3 Q And you definitely didn't want to do that, right?

4 A Correct.

5 Q And then he left you for long periods of time?

6 A Correct.

7 Q So, gun, perform oral sex on him, left you, and then
8 eventually you went back to San Antonio?

9 A Correct.

10 Q Did there come -- did there come a point in time that you
11 went to visit him again?

12 A Yes.

13 Q So, after all that, after being forced to perform oral
14 sex on him, after being intimidated by him because he had a
15 gun next to him as he spoke to you, and leaving you behind,
16 you went to visit him again?

17 A Correct.

18 Q Your choice, right?

19 A Yes.

20 Q What city did you go to this time?

21 A New York.

22 Q So, New York. Now, I want to go back to something we
23 started discussing before the lunch recess.

24 Now, when you spoke to the New York police when you
25 filed a complaint against Mr. Kelly, you told them that

SAM

OCR

RMR

CRR

RPR

Faith - cross - Cannick

2365

1 Mr. Kelly penetrated your vagina and your anus, right?

2 A I never said that.

3 MR. CANNICK: May I approach, Your Honor?

4 THE COURT: Sure.

5 BY MR. CANNICK:

6 Q Read the second paragraph.

7 A (Witness complies.)

8 Q You read it?

9 A Correct, I read it.

10 Q Isn't it a fact that you told the police officers --

11 A What's on that paper is incorrect.

12 Q I didn't ask you --

13 THE COURT: Just let -- okay.

14 First of all, let him finish the questions before

15 you start to answer. He is going to ask you questions.

16 And let the witness respond.

17 MR. CANNICK: Thank you.

18 THE COURT: So, what is the question you want to put

19 to the witness?

20 BY MR. CANNICK:

21 Q Isn't it a fact that when you were interviewed by the
22 police officers who took this complaint, you told them that he
23 inserted his penis in your anus and your vagina?

24 A That is not a fact.

25 Q So, you didn't tell them that?

Faith - cross - Cannick

2366

1 A No.

2 Q And if it's here, they made it up?

3 A Well -- that is not a fact.

4 THE COURT: Well, sustained as to whether they made
5 it up.

6 You're saying you didn't tell them that; is that
7 right?

8 THE WITNESS: Yes.

9 BY MR. CANNICK:

10 Q And when you were speaking with them, were they taking
11 notes?

12 A Yes.

13 Q And you were the only one who were giving them details of
14 this account that you were complaining that happened, am I
15 correct?

16 A Correct.

17 Q Now, isn't it a fact that you also told them in that
18 interview that Mr. Kelly told you that if you didn't allow --
19 well, that you pushed -- that he pushed you and said that he
20 would not allow you to eat during the meeting?

21 A That's incorrect.

22 Q And if it's in here, that's an error?

23 A Absolutely an error.

24 Q Okay. And isn't it a fact that you told the detectives,
25 or whomever interviewed you, that you were tested and found to

Faith - cross - Cannick

2367

1 be positive for herpes in December 2017?

2 A Incorrect, I never said that.

3 Q Okay, you never said it. And if it's in here, then it's
4 an error?

5 A A hundred percent a error.

6 Q Now --

7 MR. CANNICK: May I have a second, Your Honor,
8 please?

9 (Pause.)

10 BY MR. CANNICK:

11 Q Now, after this experience that you had in LA where you
12 said that Mr. Kelly had a gun near him as he spoke to you and
13 that he violated you sexually and had you wait around, you
14 flew back to San Antonio?

15 A Yes.

16 Q And did there come a time that you decided to visit him
17 again?

18 A Yes.

19 Q Where was that?

20 A New York.

21 Q And now, the experiences that you had in those other
22 visits, none of them were to your liking, am I correct?

23 A Correct.

24 Q And you felt as though he violated you in some fashion on
25 each and every one of those trips, am I correct?

SAM

OCR

RMR

CRR

RPR

Faith - cross - Cannick

2368

1 A Correct.

2 Q And those violations were sexual violations?

3 A Correct.

4 Q And you said that you felt as though that you couldn't go
5 and use a bathroom when you wanted to use a bathroom?

6 A Correct.

7 Q And you felt as though that you were not given food?

8 A I never said that.

9 Q You were given food?

10 A I never said that.

11 Q What do you say -- withdrawn.

12 Now, after you had that experience in LA, you
13 decided that you were going to contact Diana and arrange for
14 another trip?

15 A Correct.

16 Q And the same process, you contacted her and she sent a
17 trip, and then you got to the airport and eventually got to
18 the -- what hotel was it?

19 A You're asking me about which trip?

20 THE COURT: He asked what hotel you went to.

21 THE WITNESS: Yes.

22 A Which trip again? I'm sorry.

23 Q New York.

24 THE COURT: Well, you went to New York twice, right?

25 So, I think you're talking about the last time --

SAM

OCR

RMR

CRR

RPR

Faith - cross - Cannick

2369

1 MR. CANNICK: The last trip.

2 THE COURT: -- the last trip?

3 MR. CANNICK: Yes.

4 THE COURT: Was it the Mondrian or something?

5 THE WITNESS: Yes, the Mondrian.

6 THE COURT: Okay, go ahead.

7 BY MR. CANNICK:

8 Q And you got to that hotel by Uber?

9 A Yes.

10 Q And, again, this was your own volition, you decided, you
11 had asked for this trip and you got the trip and you made the
12 trip, am I correct?

13 A Yes, sir.

14 Q And I think you testified -- withdrawn.

15 At some point you said you met someone by the name
16 of Joy or Joycelyn?

17 A Correct.

18 Q And what city was it that you met this person?

19 A Dallas.

20 Q I'm sorry, I can't hear you?

21 A Dallas.

22 Q And you testified and you told us that she appeared to be
23 unkempt to you, am I correct?

24 A Correct.

25 Q And you told us that you and her were in the Sprinter for

SAM

OCR

RMR

CRR

RPR

Faith - cross - Cannick

2370

1 a prolonged period of time?

2 A Correct.

3 Q And this trip that you met Joy, you, basically, did not
4 have a good experience in that trip either?

5 A I didn't say that the whole trip was terrible, but
6 meeting her, it was a weird experience.

7 Q And notwithstanding that, you made another trip, am I
8 correct?

9 A Correct.

10 Q Now, you testified and told us about an occasion where
11 you needed to go to the bathroom and Diana followed you from
12 the Sprinter to the bathroom.

13 Do you remember telling us that?

14 A She didn't follow me, she led me to the bathroom.

15 Q She led you?

16 A I didn't know where it was.

17 Q Oh, okay. So, she escorted you to the bathroom and she
18 stayed there while you used the bathroom?

19 A Correct.

20 Q And you didn't think that she was trying to restrain you
21 in any way, am I correct?

22 A No.

23 Q And you eventually went back to the Sprinter?

24 A Yes.

25 Q And you walked back to the Sprinter?

SAM

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RPR

Faith - cross - Cannick

2371

1 A I followed her back to the Sprinter, yes.

2 Q Right. She never put her hands on you, am I correct?

3 A No.

4 Q Now, you testified and told us that there -- while she --
5 when she escorted you to the bathroom, that, basically, she
6 stood outside of the stall?

7 A Correct.

8 Q Right outside of the stall you said?

9 A Correct.

10 Q So, you could -- and that somehow caused you to be
11 unnerved?

12 A Can you ask your question again?

13 Q Were you -- did that bother you in any way that she stood
14 outside the stall?

15 A It was different. I didn't understand it.

16 Q Okay, but did it bother you?

17 A It was different.

18 Q How so?

19 A Nobody has ever waited for me outside of the stall, maybe
20 outside the bathroom, but not directly outside the stall.

21 Q Oh, okay, okay. You were a guest of Mr. Kelly's, am I
22 correct?

23 A Correct.

24 Q And you knew that she worked for Mr. Kelly, am I correct?

25 A Correct.

Faith - cross - Cannick

2372

1 Q And were you aware that she had responsibilities to
2 Mr. Kelly and his guests?

3 A She was his assistant, yes.

4 Q And you knew that she was pretty much escorting you and
5 whomever else was with you, Joy or whomever, wherever you
6 went, am I correct?

7 A I didn't know she was an escort and supposed to escort us
8 everywhere we went, no. At the time, I wasn't aware.

9 Q Did you become aware of that?

10 A Later on.

11 Q Now, there were times that -- well, withdrawn.

12 You were asked on direct examination about certain
13 text messages that you sent to Mr. Kelly about the outfits
14 that you were wearing?

15 A Yes.

16 Q Okay. You -- he asked you and you sent them, am I
17 correct?

18 A Yes.

19 Q You were in San Antonio when you were sending those
20 photographs, am I correct?

21 A Correct.

22 Q And he was definitely not in San Antonio?

23 A Correct.

24 Q And there was an occasion where you told him that you
25 were going someplace.

SAM

OCR

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Faith - cross - Cannick

2373

1 You sent that, am I correct?

2 A Correct.

3 Q And you sent that because you said that he'd asked you or
4 said to you that he wanted to know where you're going to be?

5 A You're asking, like, what did I send exactly?

6 I'm not understanding your question. It's not
7 clear.

8 Q He asked you at some point to keep him informed as to
9 where you're going to be, according to you, am I correct?

10 A Correct.

11 Q And that's why you sent the photo to him, am I correct?

12 A Sent a photograph?

13 Q A text message.

14 A Of what?

15 Q You and your friend at the Olive Garden.

16 A Me and my family at Olive Garden, yes, I sent him a
17 picture.

18 Q Right. And you sent that because he had asked you or
19 said to you, let me know where you're going to be?

20 A He asked me where I was, clear as day, in the text.

21 Q So, might the answer to my question be yes then?

22 MS. SHIHATA: Objection.

23 THE COURT: Well, overruled.

24 I mean he asked you where you were and you sent him
25 a picture of where you were, right?

Faith - cross - Cannick

2374

1 THE WITNESS: He asked me like two questions in one,
2 Your Honor, I'm sorry.

3 THE COURT: That's okay. All right, but the
4 question was where are you and you sent the picture, right, or
5 one of the questions.

6 All right, next question.

7 BY MR. CANNICK:

8 Q And then there was a time where you sent him a picture of
9 your outfit and asked him if that was okay?

10 A Yes, sir.

11 Q And you did that because at some point he asked you to do
12 so?

13 A Yes, sir.

14 Q And you were in San Antonio when you'd sent that photo,
15 am I correct?

16 A Yes, sir.

17 Q And of your volition you sent it -- him an outfit -- a
18 picture of your outfit and asked him if that outfit was okay?

19 A Can you start over?

20 Q At some point you sent him a picture of the outfit and
21 asked him if the outfit was okay?

22 A Yes, sir.

23 Q Now, you testified and told us about a situation where
24 Mr. Kelly, I think this was in the LA trip in the studio, that
25 he, it appeared, to be jogging into where you were, grabbed

SAM

OCR

RMR

CRR

RPR

Faith - cross - Cannick

2375

1 something and jogged back out?

2 A Correct.

3 Q Now, you knew before going out on any of these trips that
4 Mr. Kelly was a very busy man, am I correct?

5 A Correct.

6 Q And you knew that he -- he and his talents were in high
7 demand, am I correct?

8 A No, not at the time.

9 Q But you learned that, am I correct?

10 A I wasn't aware.

11 Q You never learned it?

12 MS. SHIHATA: Objection.

13 THE COURT: Well, I am a little unclear.

14 Are you saying, are you asking her was his talent
15 was in high demand?

16 MR. CANNICK: High demand, yes.

17 THE COURT: All right. And did you know whether
18 that was true or not?

19 THE WITNESS: No, ma'am, I would not know that.

20 THE COURT: All right, next question.

21 BY MR. CANNICK:

22 Q You Googled him, right?

23 MS. SHIHATA: Objection, Your Honor.

24 THE COURT: Overruled.

25 Q You Googled him, right?

Faith - cross - Cannick

2376

1 THE WITNESS: Your Honor, may I --

2 THE COURT: No. He's entitled to ask you questions.
3 Just do your best to answer them. If you don't understand
4 them, just let me know.

5 BY MR. CANNICK:

6 Q You Googled him, am I correct?

7 A Yes.

8 Q And the purpose of your Googling him was to find out
9 about him, am I correct?

10 A Yes.

11 Q And when you Googled him, you learned of all the Number 1
12 hits that he had, am I correct?

13 A No.

14 Q You overlooked that part?

15 MS. SHIHATA: Objection.

16 THE COURT: Overruled.

17 How much time did you spend Googling him?

18 THE WITNESS: It literally was a Google, and then
19 that's it. I'm not -- Your Honor, I'm not looking to see
20 every Number 1 hit, latest album. It's not --

21 THE COURT: If you didn't know that, that's fine.

22 THE WITNESS: He's asking specific questions.

23 THE COURT: Well, do your best to answer them.

24 BY MR. CANNICK:

25 Q In fact, you spoke to one of your friends about Mr. Kelly

Faith - cross - Cannick

2377

1 after you initially met him, am I correct?

2 A Incorrect.

3 Q Didn't you tell us -- well, didn't you tell us -- didn't
4 you say in your interview with the Government that you
5 contacted your -- well, after the after-party, the first time
6 you ever met Mr. Kelly, your sister was very excited and she
7 said to you: You gotta talk to Mr. Kelly?

8 A Yes, sir. You asked me if I talked to my friend, I did
9 not. I had a conversation with my sister.

10 MR. CANNICK: Your Honor, I am going to ask you to
11 instruct the witness to listen to the question and answer the
12 question.

13 THE COURT: She did. She said she didn't ask her
14 friend, she asked her sister.

15 Let's not argue, please. Put your question to the
16 witness. Don't argue with counsel, just answer his question.
17 If you don't understand, say you don't understand and he'll
18 rephrase it.

19 Go ahead, Mr. Cannick.

20 MR. CANNICK: Okay.

21 BY MR. CANNICK:

22 Q So, isn't it a fact -- so, you don't remember telling the
23 Government that you spoke to your friend about Mr. Kelly and
24 having met him, and your friend said: You better talk to
25 Mr. Kelly, he's a grown-ass man?

Faith - cross - Cannick

2378

1 A You said right after the concert, sir, and that's not the
2 conversation that was had.

3 THE COURT: Okay, the question is --

4 MS. SHIHATA: Your Honor --

5 THE COURT: -- he's asking you -- I'm sorry?

6 MS. SHIHATA: May we just have a sidebar?

7 THE COURT: No, we don't have to have a sidebar.

8 Just the question is you're saying that you spoke to
9 your friend at a separate time, is that right?

10 THE WITNESS: Yes. These questions are very, like,
11 general. Like, I'm not understanding. The questions are not
12 clear, Your Honor, at all.

13 THE COURT: Well, I think they are. If you have
14 difficulty answering them, you let me know.

15 Mr. Cannick, can you put another question to the
16 witness?

17 BY MR. CANNICK:

18 Q After you had met Mr. Kelly initially, you contacted your
19 friend, am I correct?

20 A Sure.

21 Q And you told your friend that you just met R. Kelly, am I
22 correct?

23 A Incorrect.

24 Q You didn't tell your friend that you met R. Kelly?

25 A I did not initially after the concert; no, I didn't.

SAM

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RPR

Faith - cross - Cannick

2379

1 THE COURT: Sometime later did you tell your friend
2 that?

3 THE WITNESS: Yes.

4 THE COURT: All right, next question.

5 BY MR. CANNICK:

6 Q And your friend said to you that you better talk to him,
7 he's a grown-ass man?

8 A Correct.

9 Q And your friend was excited, am I correct?

10 A Encouraging.

11 Q Encouraging?

12 A Yes, sir.

13 Q And encouraging of you to speak with him, develop a
14 relationship with him?

15 A Yes.

16 Q Now, you followed that advice, am I correct?

17 A Yes.

18 Q And your sister was equally encouraging, am I correct?

19 A Yes.

20 Q And you followed her advice as well, am I correct?

21 A Yes.

22 Q Now, when you were in LA and you were waiting in the
23 Sprinter, you felt uncomfortable because you were waiting in
24 there for such a long time?

25 A Are you asking me if I felt uncomfortable?

SAM

OCR

RMR

CRR

RPR

Faith - cross - Cannick

2380

1 Q That's my question.

2 A Yes.

3 Q And did you open the door?

4 A In LA, no, sir.

5 Q And you text Diana?

6 A Yes.

7 Q And she came?

8 A Yes.

9 Q And she opened the door?

10 A Yes.

11 Q And you and Diana went somewhere?

12 A Diana showed me where the bathroom was.

13 Q Okay. And then you eventually came back to the bathroom,
14 right?

15 A I think you said back to the bathroom, no, we didn't come
16 back to the bathroom.

17 Q Back to the Sprinter?

18 A Correct.

19 Q Now, how many times did you have to text Diana in order
20 to get her to come to take you to the bathroom?

21 A Are you asking me that night or just then?

22 Q We're talking about that night.

23 A I had to text her twice about the bathroom.

24 Q And there was the first text, and then about 15 minutes
25 later you sent a second text?

SAM

OCR

RMR

CRR

RPR

Faith - cross - Cannick

2381

1 A I don't know.

2 Q And then she eventually came?

3 A Yes.

4 Q You don't know what she was doing when you sent the text,
5 am I correct?

6 A At the time in LA, yes, I did know what she was doing the
7 first time I sent the text.

8 Q What was she doing?

9 A Waiting in the Sprinter with me in the passenger seat.

10 Q And so, she's in the passenger seat and you text her?

11 A Yes.

12 Q Didn't call out to her?

13 A She wouldn't be able to hear me.

14 Q That's not my question, my question is you didn't call
15 out to her?

16 A No.

17 Q Now, and then you eventually text her a second time and
18 she got out of the passenger seat and --

19 A I texted her to use the bathroom the first time in that
20 setting and she said, okay, stand by, and she came back.

21 Q Okay. Now, you testified earlier today about Mr. Kelly
22 being asleep and your picking up his phone and answering his
23 phone.

24 Do you remember telling us that?

25 A Incorrect, I never said I answered his phone.

Faith - cross - Cannick

2382

1 Q You looked at the messages coming on his phone, am I
2 correct?

3 A I looked at the screen, his phone is locked.

4 Q Okay. And you looked at all of the phones, am I correct,
5 that he had?

6 A The two, yes.

7 Q Was it two or three?

8 A There was two by me.

9 Q And you had no fear doing that, right?

10 A No.

11 Q And he didn't say anything to you about it, am I correct?

12 A He didn't know, he was sleep.

13 Q So, he didn't know.

14 So, when you picked up the phone and you looked at
15 the messages, you said to us this morning that it was a group
16 text and all of them were from women.

17 Do you remember telling us that?

18 A No.

19

20 (Continued on the following page.)

21

22

23

24

25

SAM

OCR

RMR

CRR

RPR

Faith - Cross - Cannick

2383

1 BY MR. CANNICK:

2 Q You don't remember saying that before lunch?

3 A I said a group text of women.

4 Q Of women, okay. There were names associated with the
5 text messages?

6 A Correct.

7 Q Basically you discerned that all of those people were
8 women?

9 A I went off of the female names I saw on the screen.

10 Q You saw some numbers on the screen too, right?

11 A Correct.

12 Q Basically you saw those calls, those messages, and you
13 said you tried to wake him up?

14 A I tried to wake him up while his phone was going off
15 before I looked at the phone.

16 Q At some point Diana came to the room?

17 A Yes.

18 Q And got him up to go to a meeting?

19 A Yes, sir.

20 Q I asked you earlier this morning about the shows that
21 you've appeared on to talk about this. You appeared on at
22 least seven shows, am I correct?

23 A I don't know the exact number.

24 Q Do you recall appearing on something called Corein
25 Carter?

Faith - Cross - Cannick

2384

1 A Can you say that again?

2 Q C-O-R-E-I-N?

3 A That's a show?

4 Q I'm asking you.

5 A I never heard of a show called that.

6 Q What about CBS This Morning?

7 A Yes.

8 Q And on that show, you appeared with your attorney

9 Ms. Allred?

10 A Correct.

11 Q Then you appeared on something called She Talk L.A.?

12 A Correct.

13 Q And Dr. Oz?

14 A Correct.

15 Q And on Dr. Oz, again, you had Ms. Allred with you?

16 A Correct.

17 Q In fact, she participated in the interview, am I correct?

18 A Correct.

19 Q And then you went on something called Chelsea Grayson?

20 A That's a person.

21 Q Yes. Did you have an interview with this person Chelsea

22 Grayson?

23 A Yes.

24 Q Then you went on Channel Five?

25 A Channel Five, that's a channel. I don't know.

Faith - Cross - Cannick

2385

1 Q Okay, but fair to say you appeared on at least five to
2 seven television shows?

3 A Correct.

4 Q And podcasts as well?

5 A Correct.

6 Q In one of the podcasts we spoke about this morning, the
7 Paper Route. On that show you said during that interview: I
8 don't like the word victim because I don't feel like I'm a
9 victim. I'm a young woman. And let's be clear, let's be
10 clear, I made a choice to be involved with that person. Do I
11 feel like everything he did was right? Hell, no. But I had a
12 choice. And that's why I walked away. I did not move in with
13 him. I did not live with him. I did not take any money from
14 him. There is a choice that you have to make.

15 You said that?

16 A Correct.

17 Q You made a choice.

18 A Correct.

19 Q And you're not a victim.

20 A Correct.

21 MR. CANNICK: Thank you.

22 THE COURT: Any redirect?

23 MS. SHIHATA: Yes, your Honor.

24 THE COURT: Do you think it's long? It might be not
25 a bad time to take a break.

Faith - Redirect - Shihata

2386

1 MS. SHIHATA: I don't think it's very long.

2 THE COURT: Okay good.

3 REDIRECT EXAMINATION

4 BY MS. SHIHATA:

5 Q Good afternoon.

6 A Good afternoon.

7 Q During cross-examination before the lunch break you were
8 asked some questions about how you remembered all these
9 details from three years ago. Do you remember those
10 questions?

11 A Correct.

12 Q You provided the Government with a screen recording of
13 all your chats with Diana Copeland, correct?

14 MR. CANNICK: Objection.

15 THE COURT: Overruled.

16 A Correct.

17 Q That spanned the time that you began traveling and seeing
18 the defendant, correct?

19 A Correct.

20 Q As you testified, the defendant told you to keep Diana
21 apprised as things were happening on your trip, correct?

22 A Correct.

23 Q And to ask for permission to do certain things, correct?

24 A Correct.

25 Q Is it fair to say that having text messages from that

Faith - Redirect - Shihata

2387

1 time period is a way you've been able to refresh your
2 recollection about certain details?

3 A Correct.

4 Q You were also asked some questions before lunch on
5 cross-examination about your having been in college then
6 leaving college. Do you remember those questions?

7 A Yes.

8 Q Had your parents supported you financially?

9 A Yes.

10 Q And did that include while you were seeing the defendant?

11 A Yes.

12 Q And do they continue to support you financially?

13 A Yes.

14 Q Are your parents successful?

15 A Yes.

16 Q Have you ever wanted for anything on a financial aspect?

17 A No.

18 Q Did you ask the defendant to support you?

19 A No.

20 Q You were asked some questions on cross-examination before
21 the lunch break about certain dates about when you went to a
22 lawyer and when you went to the Dallas Police Department and
23 so forth. Do you remember those questions?

24 A Yes.

25 MS. SHIHATA: One moment, your Honor.

Faith - Redirect - Shihata

2388

1 THE COURT: Sure.

2 Q You testified that you went to the Dallas Police
3 Department on April 9, 2018. Do you remember that?

4 A Yes.

5 Q Mr. Cannick, the defense attorney, showed you a document
6 that indicated something about a demand letter being sent on
7 April 17, 2018. Do you remember those questions?

8 A Yes.

9 Q April 9, 2018, that's before April 17, 2018, correct?

10 A Correct.

11 Q So you went to the Dallas Police Department first,
12 correct?

13 A Correct.

14 Q You were asked some questions on cross-examination about
15 various things that happened in your travels to see Mr. Kelly.
16 Do you remember those questions?

17 A Correct.

18 Q And I think you testified on cross-examination that
19 certain things happened on those trips that you were
20 uncomfortable with or that you didn't want to happen; is that
21 correct?

22 A Correct.

23 Q You also testified yesterday that there were two sides to
24 the defendant, correct?

25 A Correct.

Faith - Redirect - Shihata

2389

1 Q In fact, you testified that at the very beginning of your
2 testimony, correct?

3 A Yes.

4 Q That it wasn't all bad, correct?

5 A Correct.

6 Q Just before you finished, Mr. Cannick asked you some
7 questions about a podcast where you indicated you didn't like
8 the term victim, right?

9 A Correct.

10 Q In that same podcast did you also say you didn't like the
11 term survivor?

12 A Correct.

13 Q Mr. Cannick asked you a lot of questions about choices
14 you made. Do you remember those questions?

15 A Correct.

16 Q And pretty much all of the questions asked you about
17 choices to get on flights and choices to contact Diana. Those
18 were all things you had talked about and testified about on
19 direct examination, correct?

20 A Correct.

21 Q In your time seeing the defendant, the defendant also
22 made some choices, correct?

23 A Correct.

24 MR. CANNICK: Objection.

25 THE COURT: Overruled.

Faith - Recross - Cannick

2390

1 Q The defendant chose not to tell you he had herpes,
2 correct?

3 A Correct.

4 Q The defendant chose to ignore you when you said you
5 weren't comfortable with sex, correct?

6 A Correct.

7 Q In Los Angeles the defendant chose to grab the back of
8 your head put his penis in your mouth, keep his hand pushing
9 towards your (sic) penis with a gun next to him, correct?

10 A Correct.

11 MS. SHIHATA: No further questions.

12 THE COURT: Any recross?

13 MR. CANNICK: Yes.

14 RE-CROSS EXAMINATION

15 BY MR. CANNICK:

16 Q And you made the choice to go back to see him, right?

17 A Correct.

18 Q After he had done all those things to you --

19 A Correct.

20 Q -- according to you, right?

21 A Correct.

22 Q In fact, you didn't make the choice to go to another
23 city, you went to several other cities, am I correct, to visit
24 him after that?

25 A After what?

Faith - Recross - Cannick

2391

1 Q You don't know what I'm talking about?

2 A I don't.

3 THE COURT: I don't actually either.

4 Q We're talking about the fact the Government just asked
5 her on redirect about --

6 THE COURT: The easiest thing to do is put the
7 question again, if you don't mind.

8 BY MR. CANNICK:

9 Q After you saw -- it was in L.A. that, according to you,
10 he grabbed your head put it on his penis?

11 A Correct.

12 Q And according to you, it was in L.A. that he had the gun
13 next to him when he did this?

14 A Correct.

15 Q And after that, you went to see him in another city, am I
16 correct?

17 A Correct, one last time.

18 Q But you went to see him in another city after that, am I
19 correct?

20 A Yes.

21 Q What city was that?

22 A New York.

23 Q You went through making the choice of contacting him for
24 another trip, am I correct?

25 A Correct.

Faith - Recross - Cannick

2392

1 Q The Government asked you a short while ago about, you
2 were told to ask Diana to give you permission to do things?

3 A I'm sorry. Can you ask that question again?

4 Q You testified a short while ago in a question put to you
5 that you were told to ask Diana for permission to do things?

6 A That's incorrect. That's not what I said.

7 Q My question was, was that asked of you a short while ago
8 by the Government?

9 A No.

10 Q You didn't ask her say you had to ask Diana for
11 permission?

12 A No.

13 Q You didn't have to ask anyone for permission?

14 A I had to ask your client, R. Kelly.

15 Q Beg your pardon?

16 A R. Kelly.

17 Q R. Kelly is who you had to ask for permission?

18 A Correct.

19 Q The permission that you were asking is what R. Kelly told
20 you, to check in with Diana to make sure that she knows where
21 you are and make sure that you're okay. Isn't that a fact?

22 A Correct.

23 MR. CANNICK: Thank you.

24 THE COURT: Anything else?

25 MS. SHIHATA: No, your Honor.

Proceedings

2393

1 THE COURT: The witness can step down.

2 (Whereupon, the witness was excused.)

3 THE COURT: I think this is a good time to take our
4 afternoon break. It will be about ten minutes. Don't talk
5 about the case. We'll see you soon.

6 THE COURTROOM DEPUTY: All rise.

7 (Jury exits the courtroom.)

8 THE COURT: I trust there is nothing anybody has to
9 bring up before the break?

10 MS. SHIHATA: No, your Honor.

11 MR. CANNICK: No, your Honor.

12 THE COURT: Who is the next witness.

13 MS. SHIHATA: Kelly.

14 THE COURT: We'll see you after the break.

15 MS. GEDDES: One small matter, our witness I believe
16 after this next witness is going to be testifying by video. I
17 think we'll just need like a few minutes to set up the video.

18 THE COURT: That's fine.

19 (Brief recess.)

20 THE COURT: Just before we call the next witness, I
21 need to see Ms. Shihata and Mr. Cannick at sidebar. We don't
22 need the reporter.

23 (Discussion held off the record at sidebar.)

24 THE COURT: Do you want to get the witness, unless
25 there is anything somebody wants to raise? All right.

Proceedings

2394

1 (Whereupon, the witness enters.)

2 (Jury enters the courtroom.)

3 THE COURTROOM DEPUTY: All rise. You may be seated.

4 THE COURT: We are ready to continue. Will you call
5 your next witness, please.

6 MS. SHIHATA: The Government calls Kelly.

7 (Witness takes the witness stand.)

8 THE COURTROOM DEPUTY: Please raise your right hand.

9 (Witness sworn.)

10 THE WITNESS: I do.

11 THE COURTROOM DEPUTY: You may be seated.

12 THE COURT: You can take your mask off. Just a
13 couple of things before we start.

14 Our court reporter takes down everything that you
15 say so it's important that you don't speak too quickly or talk
16 over which ever lawyer is asking you questions.

17 If there is a question that isn't clear to you or
18 you don't understand, just let me know. I'll direct the
19 lawyer to rephrase it.

20 The last thing is, just do your best to answer only
21 the question that you're being asked.

22 All right. Go ahead.

23 KELLY, called as a witness, having been first duly
24 sworn/affirmed, was examined and testified as follows:

25

Kelly - Direct - Shihata

2395

1 DIRECT EXAMINATION

2 BY MS. SHIHATA:

3 Q Good afternoon.

4 A Good afternoon.

5 Q Where did you grow up?

6 A San Antonio.

7 Q Is that where you live now?

8 A Yes.

9 Q Are you employed?

10 A Yes.

11 Q What kind of work do you do?

12 A Child care business.

13 Q Are you married?

14 A Yes.

15 Q How long have you been married?

16 A Twenty-nine years.

17 Q What, if anything, does your husband do?

18 A He works for North Side Independence School District.

19 Q Is he an administrator there?

20 A Yes.

21 Q Does he do anything else?

22 A He's a pastor.

23 Q Do you have any children with your husband?

24 A Yes.

25 Q How many children do you have?

Kelly - Direct - Shihata

2396

1 A Two.

2 Q I'm showing you what is in evidence as Government's
3 Exhibit 79. Is this your daughter Faith?

4 A Yes.

5 Q Without saying your last name, do you and Faith have the
6 same last name?

7 A Yes.

8 Q When was Faith born?

9 A June 20, '97.

10 Q I want to direct your attention -- withdrawn.

11 Are you familiar with a docuseries called Surviving
12 R. Kelly?

13 A Yes.

14 Q Did Faith appear in Surviving R. Kelly?

15 A Yes.

16 Q I want to direct your attention to early December 2018.
17 Did you travel to New York City at that time?

18 A Yes.

19 Q Who, if anyone, did you travel with?

20 A Faith.

21 Q What were you going to New York to do?

22 A To watch the premiere of Surviving R. Kelly.

23 Q Did you stay at a hotel in Manhattan?

24 A Yes.

25 Q Did you attend the premiere?

Kelly - Direct - Shihata

2397

1 A Yes.

2 Q At some point after you arrived at the premiere were you
3 evacuated?

4 A Yes.

5 Q Where did you go after you were evacuated?

6 A Back to the hotel.

7 Q Showing you in evidence as Government's Exhibit 80. Do
8 you recognize this person?

9 A Yes.

10 Q Have you met this person?

11 A Yes.

12 Q Who is this person?

13 A Kash.

14 Q Where did you first meet Kash?

15 A At the hotel.

16 Q Was that after you were evacuated from the premiere?

17 A Yes.

18 Q Where did you see her at the hotel?

19 A In the downstairs lobby.

20 Q What, if any, conversation did you have with her at that
21 time?

22 A She -- as I was coming out of the elevator she said
23 hello.

24 MR. CANNICK: Objection.

25 THE COURT: Overruled.

Kelly - Direct - Shihata

2398

1 Q I would remind you not to use your last name. Go ahead.

2 A She said: Hello, Kelly.

3 Q When she said it to you, did she say Mrs. And your last
4 name?

5 A Yes.

6 Q You can go ahead.

7 A Yes. I looked over to my right at her, and I asked her
8 who she was. And she proceeded to tell me she was Kash.

9 Q Did she tell you anything else at that time?

10 A No.

11 Q Did you see Kash again at some point?

12 A Yes.

13 Q Where did you see Kash again?

14 A At the Applebee's.

15 Q Was that that same night?

16 A Yes.

17 Q Who, if anyone, did you go to the Applebee's with that
18 night?

19 A Faith.

20 Q And anyone else?

21 A Yes.

22 Q Who else?

23 A Summer.

24 Q Was that a friend of Faith's?

25 A Yes.

Kelly - Direct - Shihata

2399

1 Q When you got to the Applebee's was Kash there?

2 A Yes.

3 Q Was she with anyone else?

4 A Yes.

5 Q Who do you recall that she was with?

6 A A gentleman and another female.

7 Q What, if anything, did you notice about the man that was
8 with her?

9 A He was in the corner to my left, standing up against the
10 wall. And he proceeded to -- he was in a suit. He proceeded
11 to move his jacket over where I could see that he had a gun.

12 Q You were at a table at this point?

13 A I was headed to the table.

14 Q Did you eventually get to a table?

15 A Yes.

16 Q Did you meet with Kash?

17 A Yes.

18 Q What happened? What, if anything, do you recall Kash
19 doing or saying at the table?

20 A She proceeded to tell Faith that she had a file. And
21 Faith asked her what file. She handed Faith the telephone.
22 And Faith looked at it briefly, slid it back to her. And told
23 her she wasn't worried about that.

24 Q At that time did you see what was on the phone?

25 A No.

Kelly - Direct - Shihata

2400

1 Q I want to direct your attention to December 21, 2018 and
2 January 3rd, 2019. On those dates did you receive a series of
3 texts related to Faith and others on those dates?

4 A Yes.

5 Q Do you recall what your phone number was at the time?

6 A Yes.

7 Q Without saying it, is it still your phone number now?

8 A Yes.

9 Q I'm showing the witness only what is marked for
10 identification as Government's Exhibit 958. Do you recognize
11 this phone number?

12 A Yes.

13 Q What phone number is it?

14 A My phone number.

15 MS. SHIHATA: I move to admit Government's Exhibit
16 958?

17 MR. CANNICK: No objection.

18 THE COURT: That's in evidence.

19 (Government Exhibit 958, was received in evidence.)

20 MS. SHIHATA: May we publish it to the jury only.

21 BY MS. SHIHATA:

22 Q When you received these texts did you recognize the
23 number that sent them?

24 A No.

25 Q Sitting here today do you recall the phone number that

Kelly - Direct - Shihata

2401

1 sent the text to you?

2 A Yes.

3 Q You recall the precise number?

4 A Not the precise number, no.

5 Q I'm showing the witness only what is marked for
6 identification as Government's Exhibit 230A. Do you recognize
7 this exhibit?

8 A Yes.

9 Q It's a three-page exhibit, I'll just show you the pages.
10 Are these certain of the texts that you received from that t
11 number that you didn't recognize?

12 A Yes.

13 MS. SHIHATA: I move to admit Government's Exhibit
14 230A.

15 MR. CANNICK: No objection.

16 THE COURT: Those are in evidence.

17 (Government Exhibit 230A, was received in evidence.)

18 MS. SHIHATA: May we publish it?

19 THE COURT: Both?

20 MS. SHIHATA: To the jury only.

21 THE COURT: Okay.

22 BY MS. SHIHATA:

23 Q The text in green, was that from you to the person who is
24 sending the text?

25 A Yes.

Kelly - Direct - Shihata

2402

1 Q And at the very top it says two people do you see that?

2 A Yes.

3 Q Do you know who these texts were sent to?

4 A Yes.

5 Q Who is that? Who received the text from the unknown
6 number?

7 A Gloria Allred.

8 Q Who were the texts -- you received the texts, correct?

9 A I received them, yes.

10 Q Were they also sent to your daughter Faith?

11 A Yes.

12 Q Had Faith recently changed her number at that time?

13 A Yes.

14 Q The phone number that sent you the text, I'm going to
15 turn to the second page, do you see that phone number here?

16 A Yes.

17 Q Can you read it out, please?

18 A 1(312)203-3030.

19 Q Do you see a date January 3rd, 2019 then additional texts
20 from that phone number?

21 A Yes.

22 Q At the time you received the text from this (312)203-3030
23 number, was it fair to say that (312)203-3030 number was not
24 saved in your phone, correct?

25 A Correct.

Kelly - Direct - Shihata

2403

1 Q In fact, it shows up as the number here, correct?

2 A Correct.

3 Q Did you later provide screenshots of some of the texts
4 that you received from this (312)203-3030 number to your
5 attorney's office?

6 A Yes.

7 Q After you did that, did your phone associate the
8 (312)203-3030 number that sent those texts with your attorney?

9 A Yes.

10 Q At some point did a federal agent travel to Texas to take
11 photos of all the texts you received from the (312)203-3030
12 number?

13 A Yes.

14 Q I'm going to show the witness only what is marked for
15 identification as Government's Exhibit 230B. If I may
16 approach, your Honor?

17 THE COURT: Yes.

18 Q Can you take a quick look at the document I just handed
19 you?

20 (Witness reviewing document.)

21 Having reviewed Government's Exhibit 230B, are these
22 photographs of the texts you received from (312)203-3030 from
23 your phone at the time?

24 A Yes.

25 MS. SHIHATA: I move to admit Government's Exhibit

Kelly - Direct - Shihata

2404

1 230B.

2 MR. CANNICK: No objection.

3 THE COURT: That's in evidence. Jury only?

4 MS. SHIHATA: The first page can be to everyone.

5 (Government Exhibit 230B, was received in evidence.)

6 THE COURT: Okay.

7 BY MS. SHIHATA:

8 Q The date at the top, does that say December 21, 2018?

9 A Yes.

10 Q At the time these photographs were taken, was this when
11 after you had sent certain of the texts to your attorney?

12 A Yes.

13 Q You testified earlier that your iPhone -- was this an
14 iPhone, by the way?

15 A Yes.

16 Q Did your iPhone start to associate it with your attorney?

17 A Yes.

18 Q So where it says "maybe" and it's redacted, was that your
19 attorney's name?

20 A Yes.

21 Q The first two -- was this an image that was sent to you
22 your phone by that number?

23 A Yes.

24 Q Do you see there it says: Survivor number three,
25 Jerhonda M. Pace Johnson?

Kelly - Direct - Shihata

2405

1 A Yes.

2 Q Below that did it say, did the text you say: Just a
3 sample. We will seek criminal charges. You've been warned.

4 A Yes.

5 Q Was there another image that was sent to you?

6 A Yes.

7 Q Were there various images that were sent to you after
8 that from that same number?

9 A Yes.

10 Q I'm going to turn to page three of Government's Exhibit
11 230B, this is for the jury only. Looking towards the bottom
12 of the page, were you sent by this 312 number an image that
13 said: Survivor number seven Faith. Then Faith's last name?

14 A Yes.

15 Q I'm going to turn to page four of the exhibit, again for
16 the jury only. Were you sent certain images of your daughter
17 Faith and certain photographs of text messages?

18 A Yes.

19 Q These are the images you were sent?

20 A Yes.

21 Q Does it appear to have some text below each line of
22 images?

23 A Yes.

24 Q Then these are the text messages, photographs of text
25 messages you were sent?

Kelly - Direct - Shihata

2406

1 A Yes.

2 Q Below that does it say: To be continued.

3 A Yes.

4 Q In green was that a message you sent back to the person
5 who sent you these texts?

6 A Yes.

7 Q You wrote: Who sent this.

8 A Yes.

9 Q Then turning to page five of the exhibit. After you
10 sent, "who sent this," did the person respond: Criminal
11 charges to follow?

12 A Yes.

13 Q Then sent you some additional images of other people?

14 A Yes.

15 Q I want to turn to page 15 of the exhibit, this can be to
16 everyone. Did the person who was sending you these texts
17 write: Publishing soon.

18 A Yes.

19 Q Then how did you respond?

20 A "Who is this texting. Kash?"

21 Q Were you referring there to the Kash that you had met at
22 the Applebee's?

23 A Yes.

24 Q What did you write after that?

25 A "You are stupid and you were a real man just call and

Kelly - Direct - Shihata

2407

1 let's talk about this. It's Faith's mom."

2 Q Was there a typo in what you wrote there?

3 A Yes.

4 Q When you said if you were a real man, who were you
5 referring to when you sent that?

6 A Robert Kelly.

7 Q Was that based on the content of the text that you had
8 received?

9 A Yes.

10 Q Did you then receive a response from the sender saying:
11 No, this is Colon. My investigation will be done soon enough.

12 A Yes.

13 Q There is a response from you in green, correct?

14 A Yes.

15 Q It says: No, seriously, call me back. I have another
16 question.

17 A Yes.

18 Q Between the text where the sender said, "No, this is
19 Colon, my investigation will be done soon enough," and the
20 text from you that follows, did you receive a phone call?

21 A Yes.

22 (Continued on next page.)

23

24

25

Kelly - Direct - Shihata

2408

1 DIRECT EXAMINATION

2 BY MS. SHIHATA: (Continuing)

3 Q And what happened on that phone call?

4 A I don't recall.

5 Q Did you receive a phone call from the same number that
6 was texting you?

7 A Yes.

8 Q And do you recall anything about what transpired on that
9 phone call?

10 A I do recall him saying he was an investigator for Robert
11 Kelly.

12 Q And did he say what he wanted you to do?

13 A He wanted me to drop the case.

14 Q Now, after you sent that text, did you receive texts
15 again from the same number on January 3rd, 2019?

16 A Yes.

17 Q And did the text say "pull the plug or you will be
18 exposed"?

19 A Yes.

20 Q And we went over just a moment ago the text that you had
21 received, photos, the photographs of your daughter and the
22 photographs of text messages that you received from this
23 number, correct?

24 A Yes.

25 MS. SHIHATA: And I am now showing the witness only

Kelly - Cross - Cannick

2409

1 page 18 of Government Exhibit 230.

2 This is now just for the jury only.

3 Q Again, is this just the actual images that were sent to
4 you?

5 A Yes.

6 Q And again, it was followed with "to be continued"?

7 A Yes.

8 MS. SHIHATA: No further questions.

9 THE COURT: All right. Cross-examination?

10 MR. CANNICK: May I see that, please?

11 CROSS-EXAMINATION

12 BY MR. CANNICK:

13 Q Good afternoon, ma'am?

14 A Good afternoon.

15 Q You testified and told us that you had received a text
16 from someone by the name of Colon?

17 A Yes.

18 Q And that person told you that he was an investigator?

19 A Yes.

20 Q And you testified and told us that that was an
21 investigator of Robert Kelly?

22 A Yes.

23 Q Do you know whether or not Robert Kelly had an
24 investigator by the name of Colon?

25 A No.

Kelly - Cross - Cannick

2410

1 Q That's just something that someone told you, right?

2 A Yes.

3 Q Now, you have spoken to Robert, am I correct?

4 A No.

5 Q You don't recall having a conversation, a brief
6 conversation with Robert over FaceTime when he was talking
7 with Faith?

8 A I recall being in the mall one day when he called Faith
9 and Faith flashed the phone and I just said hi.

10 Q You said hi?

11 A That's it.

12 Q No conversation whatsoever?

13 A No.

14 MR. CANNICK: I think that's it, Your Honor. Just
15 one second.

16 Q You ever met this investigator?

17 A No.

18 Q And before that date that you received this text, you had
19 no other communication from him?

20 A No.

21 Q And according to you, he told you that he worked for
22 Robert?

23 A Yes.

24 Q But you don't know that to be a fact?

25 A No.

Proceedings

2411

1 MR. CANNICK: Thank you.

2 THE COURT: Any redirect?

3 MS. SHIHATA: Just one moment, Your Honor.

4 THE COURT: Okay.

5 MS. SHIHATA: No further questions.

6 THE COURT: Thank you so much. You can step down.

7 THE WITNESS: Thank you.

8 THE COURT: Just be careful of the wires there.

9 THE WITNESS: Yes.

10 (Witness excused.)

11 THE COURT: All right. Are we ready? I guess we
12 need a couple of minutes; the next witness is going to be
13 testifying over the video. Does that require a break? It
14 really does not, does it?

15 MS. MELENDEZ: I don't believe so.

16 THE COURT: We've got the expert here, so...

17 MS. MELENDEZ: We just need a moment to move the
18 video screen.

19 THE COURT: And what is the name of the witness?

20 MS. MELENDEZ: Nathan Edmond, Your Honor.

21 THE COURT: Okay. Ready to call the witness?

22 MS. MELENDEZ: Yes, Your Honor.

23 The government calls Nathan Edmond to the stand.

24 (Witness appears by video.)

25 THE CLERK: Mr. Edmond, please stand and raise your

Proceedings

2412

1 right hand.

2 Do you solemnly swear or affirm that the testimony
3 you're about to give will be the truth, the whole truth and
4 nothing but the truth?

5 THE COURT: Whoops. Still having trouble hearing.
6 I take it that he can hear us?

7 THE WITNESS: Do you hear me?
8 Yes.

9 THE COURT: Good. Okay. Let's try again.

10 THE WITNESS: I affirm.

11 THE COURT: You affirm?

12 THE CLERK: He affirms.

13 THE WITNESS: Yes.

14 (Witness affirmed.)

15 THE COURT: Okay. Have a seat. Just a couple of
16 things. We have a court reporter who takes down everything
17 that everyone says, so I am going to ask you not to speak too
18 quickly or to talk over whichever lawyer is asking you
19 questions.

20 The second thing is, if someone asks you a question
21 that you do not understand or you want to have repeated, let
22 me know and I will have the lawyer either repeat it or
23 rephrase it.

24 And just do your best to answer only the question
25 you are being asked. Okay?

Proceedings

2413

1

THE WITNESS: Yes.

2

THE COURT: Okay, go ahead.

3

(Continuing on the following page.)

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Edmond - Direct - Cruz Melendez

2414

1 **NATHAN EDMOND**, called by the Government, having been first
2 duly affirmed, was examined and testified as follows:

3 DIRECT EXAMINATION

4 BY MS. MELENDEZ:

5 Q Good afternoon, Mr. Edmond.

6 A Good afternoon.

7 Q Mr. Edmond, did you receive a subpoena to testify here
8 today?

9 A Yes.

10 Q And do you want to be testifying today?

11 A Not especially.

12 Q How old are you, Mr. Edmond?

13 A 73 years old.

14 Q And are you employed?

15 A Self-employed.

16 Q How are you employed?

17 A In the real estate business.

18 Q Other than working in the real estate business, do you
19 work in any other professions?

20 A No.

21 Q Mr. Edmond, are you a minister?

22 A Yes, I am.

23 Q Are you a minister at a particular church?

24 A Yes.

25 Q And how long have you been a minister?

Edmond - Direct - Cruz Melendez

2415

1 A Probably over 30 years.

2 Q In your capacity as a minister, have you officiated
3 weddings?

4 A Yes, I have.

5 Q Are you licensed to officiate weddings?

6 A Yes, I am.

7 Q And approximately when did you first receive your
8 license?

9 A Maybe in early '90s or late '80-something. I don't
10 remember exactly.

11 Q And approximately when did you first begin to officiate
12 weddings?

13 A Not too long after I got the license.

14 Q And approximately, in your time as a minister after
15 receiving your license, how many weddings have you officiated?

16 A Less than a dozen.

17 Q Have you ever met an individual named Robert Kelly in
18 person?

19 A Yes.

20 Q Under what circumstances did you meet Robert Kelly?

21 A To perform a wedding ceremony.

22 Q I'm showing you what's in evidence as Government Exhibit
23 803(b).

24 MS. MELENDEZ: If you could hand the witness
25 Government Exhibit 803(b), please.

Edmond - Direct - Cruz Melendez

2416

1 If we could publish this. It's in evidence.

2 Q Mr. Edmond, do you have a copy there of Government
3 Exhibit 803(b)?

4 A Yes, I do.

5 Q And what is this?

6 A This is a marriage license from the state of Illinois.

7 Q On Government Exhibit 803(b), I want to direct your
8 attention to the bottom portion of the marriage license. Do
9 you see that there, the portion where there is handwriting?

10 A Yes.

11 Q So I want to direct your attention to that first line of
12 handwriting where it says "print name of person officiating."
13 Do you see that there?

14 A Yes.

15 Q And what does that say there?

16 A Nathan J. Edmond.

17 Q And did you write that?

18 A Yes, I did.

19 Q And to the right of that it says, "Elder Nathan J Edmond,
20 Sr." Did you also write that?

21 A Yes. Yes, I did.

22 Q What's an elder?

23 A An elder is an ordained minister --

24 Q And is it fair to say --

25 A -- of the gospel.

Edmond - Direct - Cruz Melendez

2417

1 Q Sorry, what did you say at the end?

2 A An ordained minister of the gospel.

3 Q Is it fair to say that was your title at the time?

4 A Yes.

5 Q And below that it says, "Hereby certify that Robert S.

6 Kelly and Aaliyah D. Haughton were united in marriage by me

7 at," and then there's an address. Do you see that there?

8 A Yes, I do.

9 Q Did you also write what's written here, "Robert S. Kelly
10 and Aaliyah D. Haughton"? Did you write that?

11 A Yes. Yes, I did.

12 Q And where it says "were united in marriage by me at 6501

13 North Mannheim Road, Rosemont, Illinois" and then there's an

14 area code that says "60018," did you write that as well?

15 A Yes, I did.

16 Q And then going further it says, "The County of Cook and

17 State of Illinois on the 31st day of August 1994." Did you

18 fill that in?

19 A Yes, I did.

20 Q And there's a signature to the right of that, "Nathan J.
21 Edmond." Is that your signature?

22 A Yes, it is.

23 Q And below that there's an address listed, 8515 South

24 Indiana Avenue in Chicago Illinois. Was that your address at

25 the time?

Edmond - Direct - Cruz Melendez

2418

1 A Yes, it was.

2 Q Did you, in fact, officiate the wedding between Robert
3 Kelly and Aaliyah Haughton?

4 A Yes, I did.

5 Q And prior to officiating the wedding, had you ever met
6 Robert Kelly before?

7 A No.

8 Q Prior to officiating the wedding, did you know who Robert
9 Kelly was?

10 A No.

11 Q Prior to officiating the wedding, had you ever met
12 Aaliyah Haughton?

13 A No.

14 Q And did you know who Aaliyah Haughton was prior to
15 officiating the wedding?

16 A No.

17 Q So when did you first meet Robert Kelly and Aaliyah
18 Haughton?

19 A The day that I officiated the wedding.

20 Q Now, so you testified that you had not previously met
21 Robert Kelly or Aaliyah Haughton prior to officiating the
22 wedding, so how did it come to pass that you presided over
23 their wedding?

24 A A friend of Mr. Kelly's was also a friend and a business
25 associate of mine, and he asked me to do him a favor and I

Edmond - Direct - Cruz Melendez

2419

1 agreed.

2 Q Who is that friend?

3 A Keith Williams.

4 Q And how did you know Keith Williams?

5 A He was in the mortgage business and I was in the real
6 estate business.

7 Q And so you knew him through your business contacts?

8 A Yes.

9 Q Now, at the time that Keith Williams contacted you to do
10 this favor for Robert Kelly, did you know whose wedding
11 specifically you would be officiating?

12 A No.

13 Q And where did the wedding take place?

14 A It took place at 6501 North Mannheim Road, which was a
15 large hotel. I don't remember whether it was the Marriott or
16 the Hilton or something like that.

17 Q Okay. And looking at -- again, to Government
18 Exhibit 803(b) where you wrote that location, 6501 North
19 Mannheim Road, you don't recall the name of the hotel, but you
20 recall that it was a hotel, correct?

21 A Yes, I don't remember.

22 Q And where in the hotel did the wedding take place?

23 A In a private room.

24 Q And can you describe the room, generally speaking?

25 A The room had a private bedroom and it had an open area

Edmond - Direct - Cruz Melendez

2420

1 where you could -- it had a couch, you could sit down. And
2 then I think it had a table and just an open area and a
3 television, something like that.

4 Q And when you arrived at the hotel suite, when you arrived
5 there, who was present?

6 A Mr. Williams and about three other gentlemen.

7 Q And can you describe the gentlemen?

8 A Just was three African-American gentlemen, about 5 feet,
9 7 to 10, and Mr. Williams and myself.

10 Q So what, if anything, happened first when you arrived at
11 the hotel suite?

12 A I was introduced to one of the gentlemen. And after
13 being introduced to him, he gave me the marriage license
14 and then I had --

15 Q And what did --

16 A I looked at the marriage license. It was an official
17 marriage license from the -- you know, Cook County. And I
18 filled in everything like you see here in the document.

19 Q Other than the marriage license, were you presented with
20 anything else to sign?

21 A Yes.

22 Q And what were you presented with?

23 A What was to be a confidentiality agreement.

24 Q And what, if anything, did you do when you were presented
25 with this confidentiality agreement?

Edmond - Direct - Cruz Melendez

2421

1 A I looked at it, I read it, and then I kind of chuckled.
2 And he asked me why did I do that, and I said to him because
3 it wasn't worth the paper that it was written on.

4 Q What did you mean by that?

5 A I meant that if it was supposed to be a confidentiality
6 agreement, it should have been a lot more airtight than that.

7 Q And what if anything else did you say after you sort of
8 chuckled at the idea of the confidentiality agreement?

9 A Well, he said to me -- well, asked me would I give him my
10 word that I wouldn't talk about this. So I said yeah, I give
11 you my word. I mean, I don't know, I didn't know why, but I
12 said I give you my word and he said okay.

13 Q And so what, if anything, happened once you decided that
14 you weren't going to sign the confidentiality agreement but
15 you would give your word that you wouldn't tell anyone about
16 what you were doing that day? What happened next?

17 A Well, after I chuckled, after then he said, well, forget
18 it, you know, it wasn't necessary, you know, if I give him my
19 word. I told him I honored my word and that was it.

20 Q And what happened after that?

21 A After that he said -- asked me was I ready and I said
22 yes, I'm ready.

23 Q And what happened next?

24 A The door opened to the bedroom and out stepped I guess
25 Aaliyah and Mr. Kelly.

Edmond - Direct - Cruz Melendez

2422

1 Q Now, can you please describe Aaliyah Haughton's
2 appearance when you saw her on that date?

3 A Yes. They both had on what looked like matching jogging
4 suits and they both had one leg on the jogging suit up to the
5 knee.

6 Q What if anything else did you notice Aaliyah Haughton?

7 A I didn't notice anything else about her, other than the
8 fact that she -- you couldn't see her whole face because her
9 hair was over half of her face.

10 Q And can you please describe the ceremony itself?

11 A Well, the ceremony was just they stood before me and you
12 have a minister's book to do weddings and that's what's just
13 standard. And you say, "Dearly beloved, we are gathered
14 together here in the sight of God and these witnesses to join
15 together Aaliyah Haughton -- Robert Kelly and Aaliyah Haughton
16 in holy matrimony." And you pretty much read the ceremony.

17 Q And did you, in fact, do that?

18 A Yes, that's what I did.

19 Q And did the defendant -- did Robert Kelly and Aaliyah
20 Haughton exchange vows?

21 A Yes, they did.

22 Q And at the end of the ceremony, did you pronounce Robert
23 Kelly and Aaliyah Haughton as husband and wife?

24 A Yes, I did.

25 Q And how long did the ceremony last?

Edmond - Direct - Cruz Melendez

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1 A About ten minutes or less.

2 Q After you finished officiating the wedding, what happened
3 next?

4 A After I finished officiating the wedding, you know, like
5 you standardly do, "you may kiss your bride," and they did.
6 And I think they walked back into the room. I think I might
7 have said something to the gentleman that showed me the
8 license.

9 Normally, one of two things can happen: Either the
10 minister keeps the license and turns it into the county or the
11 family keeps the license and turns it over to the county. So
12 I thought that I was going to take it. He said, "No, we'll
13 take it from here." And that was it.

14 Q And so did you turn in the license to the County Clerk's
15 Office?

16 A No, I didn't. They did.

17 Q Did you receive any payment for officiating the wedding?

18 A I think they offered me, what was it, 25 or \$50, or
19 something like that, Keith might have said. He might have
20 asked me. I was just doing it as a favor. I wasn't doing it
21 for, you know, no money. I didn't think it was anybody
22 special and I didn't understand it at all.

23 Q Mr. Edmond, I am now showing you Government Exhibit 89.

24 Do you have that there in front of you, a copy of
25 that?

Edmond - Direct - Cruz Melendez

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1 A Yes.

2 Q Do you recognize Government Exhibit 89?

3 MS. MELENDEZ: We can publish this. It's in --

4 A Yes.

5 Q And what is that?

6 A That's me. It's a picture of me, a little younger.

7 Q Fair to say you were a little younger in that photograph?

8 A Yes.

9 Q So you previously testified that when you first walked
10 into the hotel suite, you were asked to sign a confidentiality
11 agreement and that instead you gave your word that you
12 wouldn't reveal to anyone that you had performed the ceremony
13 between Robert Kelly and Aaliyah Haughton. Since officiating
14 that wedding, have you been approached by individuals from the
15 media or the public about the wedding?

16 A Yes. Radio stations, other people approached me. But
17 one radio station kept calling my house.

18 Q And despite being approached by the media and others,
19 have you spoken publicly before today about the wedding you
20 officiated between Robert Kelly and Aaliyah Haughton?

21 MR. CANNICK: Objection to relevance.

22 A Not at all.

23 THE COURT: Overruled.

24 Q I'm sorry, you said not at all?

25 A "Not at all."

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1 MS. MELENDEZ: Nothing further.

2 THE COURT: Cross-examination?

3 MR. CANNICK: None.

4 THE COURT: All right. Thank you so much, sir. You
5 can I guess we can turn off the video. Thanks a lot.

6 THE WITNESS: Okay. You're welcome.

7 (Witness excused.)

8 (Continuing on the following page.)

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1 (Continuing.)

2 THE COURT: Do you have an additional witness?

3 MS. SHIHATA: Yes, the Government calls Tracy
4 Montenegro.

5 THE COURT: Is she a video witness also?

6 MS. SHIHATA: No, and it's a he.

7 (Witness enters and takes the stand.)

8 THE COURTROOM DEPUTY: Please stand and raise your
9 right hand.

10 Do you solemnly swear or affirm that the testimony
11 you are about to give will be the truth, the whole truth, and
12 nothing but the truth?

13 THE WITNESS: I do.

14 (Witness sworn.)

15 THE COURTROOM DEPUTY: Please state and spell your
16 name.

17 THE WITNESS: Name, Tracy Montenegro. First name
18 T-R-A-C-Y; last name M-O-N-T-E-N-E-G-R-O.

19 THE COURTROOM DEPUTY: Thank you.

20 THE COURT: You can take your mask off.

21 So, just a few things before we start.

22 THE WITNESS: Yes.

23 THE COURT: First thing is, don't speak too fast.

24 Our court reporters take down everything that you say. It
25 makes it harder if we talk too fast.

Proceedings

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1 And for the same reason, wait until whichever lawyer
2 is questioning you finishes the question before you start to
3 answer, so you're not talking over each other.

4 And finally, if there's a question that you don't
5 understand or you want to have repeated, let me know and I'll
6 direct the lawyer to rephrase the question.

7 All right?

8 THE WITNESS: All right. Thank you, Your Honor.

9 THE COURT: All right, go ahead.

10 MS. SHIHATA: Thank you, Your Honor.

11 And before I begin the questioning I'd like to admit
12 Government Exhibit 957 as a certified business record from
13 Apple pursuant to Federal Rule of Evidence 803(6) and 902(11);
14 and the business records certification has been marked as
15 Government Exhibit 957(a).

16 THE COURT: And this is on consent?

17 MR. CANNICK: Yes.

18 THE COURT: Okay.

19 (Government's Exhibits 957 and 957(a) were received
20 in evidence.)

21

22 (Continued on the following page.)

23

24

25

Montenegro - direct - Shihata

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1 **TRACY MONTENEGRO,**

2 called as a witness by the Government, having been
3 duly sworn/affirmed by the Courtroom Deputy, was examined
4 and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. SHIHATA:

7 Q Good afternoon.

8 A Good afternoon.

9 Q Mr. Montenegro, where do you work?

10 A I work for Apple.

11 THE COURT: Can you just make sure you're speaking
12 into the --

13 THE WITNESS: Oh, yes.

14 THE COURT: Great, thank you.

15 A I work for Apple, Fifth Avenue in midtown Manhattan.

16 Q And how far did you go in school?

17 A Bachelor's degree and then a Juris Doctorate degree.

18 Q And what is your position, your current position at
19 Apple?

20 A My current title is lead genius.

21 THE COURT: Is what?

22 THE WITNESS: That's lead genius.

23 THE COURT: Lead genius.

24 THE WITNESS: Yes, it's part of the management team
25 for technical support in store.

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Montenegro - direct - Shihata

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1 THE COURT: All right, go ahead.

2 MS. SHIHATA: That's a great title.

3 BY MS. SHIHATA:

4 Q And what does it mean, what does the position of lead
5 genius, what does that mean?

6 A Lead genius is a customer and technical point of
7 escalation for everyday issues arising in the store. Also,
8 manage the staff, make sure we have adequate staffing, and
9 customers are seen in a timely fashion.

10 Q And does that include management of the Genius Bar?

11 A Yes, that is specifically for the Genius Bar.

12 Q And that's the technical support?

13 A Yes.

14 Q Now, how long have you held the position of lead genius?

15 A Four years approximately.

16 Q And how long have you worked at Apple total?

17 A In total, just under 17 years.

18 Q And prior to your position as lead genius at Apple, what
19 other types of positions have you held?

20 A Prior to lead genius, I was a genius. And then a -- a
21 lead specialist, so lead for the sales team. And prior to
22 that at a different location I was part of the -- the
23 full-time management staff.

24 Q Now, in your 17 years working at Apple in various
25 positions, have you become familiar with Apple products,

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1 including iPhones and iPads?

2 A Yes.

3 Q Now, I'm showing you what's in evidence as Government
4 Exhibit 957.

5 A I see it.

6 Q Is this a spreadsheet of iPad production history from
7 2010 to 2021 and iPhone production history from 2008 to 2014?

8 A Yes.

9 (Exhibit published.)

10 BY MS. SHIHATA:

11 Q And is this a certified business record from Apple?

12 A Yes. It tracks manufacturing of Apple products and
13 models and subsequent models and generations.

14 THE COURT: A little trouble hearing you, so just
15 make sure you're speaking into the microphone.

16 THE WITNESS: Okay, yes, Your Honor.

17 BY MS. SHIHATA:

18 Q And looking at this exhibit, the first column, the first
19 part of it relates to iPads, correct?

20 A That's correct.

21 Q And then below that there's some information about
22 iPhones, is that right?

23 A That's correct.

24 Q Now, the first iPad, the iPad first generation, was that
25 released in April 2010?

Montenegro - direct - Shihata

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1 A Yes, it was.

2 Q And the production site for the first generation of
3 iPads, was that a location in China?

4 A That was, yes.

5 Q And thereafter, does this document show the other types
6 of iPads and generations up through March 2020, through TBD?

7 A Yes, every generation of iPad released since then.

8 Q And looking at this document, has every generation of
9 iPad been produced at a production site outside the United
10 States?

11 A Yes, it has.

12 Q In either locations in China or locations in Brazil?

13 A That's correct.

14 Q And now, turning to the portion of the spreadsheet
15 related to iPhone production history from 2008 to 2014.

16 Does that indicate that the iPhone 3G was released
17 in 2008?

18 A Yes, it was.

19 Q And produced at a location in China?

20 A Yes.

21 Q And the iPhone 3GS was released in June 2009 and produced
22 in a location in China?

23 A Yes, that's correct.

24 Q And finally, the iPhone 4 was released in July 2010 and
25 all iPhone 4s were produced in either a location in China or a

Montenegro - direct - Shihata

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1 location in Brazil?

2 A That's correct.

3 Q Now, what is the first iPhone that had video recording
4 capability?

5 A The first iPhone that had video recording capability was
6 the iPhone 3GS.

7 Q And what is the first iPad that had video recording
8 capability?

9 A That was actually the iPad 2, or the second generation.

10 Q And so, on this Government Exhibit 257, that's the iPad
11 second generation that was released in March 2011?

12 A That is correct.

13 Q And currently, do iPhones and iPads have front and back
14 cameras?

15 A Yes, currently all models of iPhones and iPads have front
16 and -- front-facing and rear-facing cameras.

17 Q And can you explain to the jury what that means?

18 THE COURT: In a louder voice.

19 THE WITNESS: Yes.

20 THE COURT: Thanks.

21 A A front-facing camera is a camera that's located along
22 the display or above the -- the viewing area of the display.
23 And it looks at the person viewing the screen as they're
24 holding the device up. It's how selfies were born.

25 And the rear-facing camera is on the back of the

Montenegro - direct - Shihata

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1 device and it faces away from the person holding or viewing
2 the display.

3 Q And what was the first iPhone that had a front-facing
4 camera, as well as a back-facing camera?

5 A That was actually the iPhone 4.

6 Q Okay. And looking here, that was released in July 2010,
7 correct?

8 A Correct.

9 Q And how about iPad -- you testified earlier that the
10 first iPad with video recording capability was an iPad 2,
11 second generation, correct?

12 A Correct.

13 Q And when -- since when have iPads had both front- and
14 back-facing cameras?

15 A That I cannot recall off the top of my head.

16 Q Okay.

17 Now, are you familiar with the text messaging
18 capabilities of iPhones?

19 A Yes.

20 Q And are you familiar with something known as iMessage?

21 A Yes.

22 Q What is iMessage?

23 A IMessage is an Apple service that is offered aside from
24 standard text messaging that -- standard text messaging goes
25 through your carrier. So, you have to have a -- a carrier

Montenegro - direct - Shihata

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1 connection connected to one of the satellites with one of the
2 main carriers, for example.

3 IMessage allows you to bypass that and utilize an
4 Apple-based messaging service that uses Apple cloud, if you
5 will, Apple servers. So, as long as you have any kind of
6 network connection, you can send a direct message to someone.

7 Q So, it doesn't go through your telephone carrier, is that
8 right?

9 A That's correct.

10 Q And do both individuals need to have an Apple device to
11 participate in iMessage?

12 A Yes.

13 Q Now, when an individual receives or sends text messages
14 or iMessages on their phone, does it often display the date
15 and time of those messages?

16 A It keeps the date. It only shows the date right above
17 the first message sent for that day, and then it keeps the
18 date relative until it goes back a week. And then it starts
19 listing the date.

20 Q Okay.

21 A The time is hidden, but if you swipe slightly across the
22 messages, you will see the time stamps for each individual
23 message.

24 Q And is the time -- the time indicated, the time stamp for
25 messages, is that the local time where the phone is at the

Montenegro - direct - Shihata

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1 time you're looking at the phone?

2 A Based on the time zone set on the device, that usually is
3 defaulted to your local region. But some people, for
4 different reasons, keep it to their home time zone.

5 Q Okay, but the default is wherever the phone is, that's
6 the times that will show up?

7 A That's correct, that's the default.

8 Q So, just to be clear, if I'm -- if I'm looking at my text
9 messages in New York, my prior text messages, the date and
10 time stamp, will be in my local New York time; is that right?

11 A That's correct.

12 Q And if I travel to another time zone and look at those
13 same messages, the date and time will be in that other local
14 time zone?

15 A Correct.

16 Q Now, you testified that iMessages don't go through the
17 phone carrier and are between two -- between Apple devices,
18 correct?

19 A That's correct.

20 Q And when you look at the messages, is there anything that
21 distinguishes an iMessage from a text message as far as the
22 color of the message or anything like that?

23 A Yes, it's specifically the color of the message.

24 IMessages are sent in blue, what we affectionately
25 call bubbles.

Montenegro - direct - Shihata

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1 The cellular-based messages or standard text
2 messages are in green.

3 Q And are any messages in gray on an iPhone?

4 A (No response.)

5 Q Or let me show you an example.

6 A In --

7 Q Hold on one second.

8 (Pause.)

9 BY MS. SHIHATA:

10 Q So, I'm showing you what's in evidence as the first page
11 of Government Exhibit 208(b).

12 (Exhibit published.)

13 Q Do you see that in front of you?

14 A I do.

15 Q And the green, I think you just testified, does that
16 signify these are text messages not iMessages?

17 A Correct.

18 Q And do you see how some messages are in green and some
19 message are in gray?

20 A Correct.

21 Q What, if anything, does that signify?

22 A The ones in gray and usually on the left side of the
23 messaging window are from the person you're sending a message
24 to.

25 Q Okay.

SAM

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Montenegro - direct - Shihata

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1 So, green is, if this is my phone, I am sending the
2 messages in green?

3 A Correct.

4 Q And the person who's responding is in gray?

5 A Correct.

6 Q Now, you testified you didn't recall precisely when iPads
7 began to have both front and back cameras, correct?

8 A Initially, but I was thinking about it. Yes.

9 Q Okay, do you recall now?

10 A Yes. It was the second generation.

11 Q The second generation iPad?

12 A Yes.

13 Q And so, that would be, looking at Government Exhibit 957,
14 that would be the one that was released in March 2011?

15 A Correct.

16 Q So, since that date, iPads have had both front-facing and
17 back-facing cameras?

18 A That's correct.

19 MS. SHIHATA: No further questions.

20 THE COURT: All right, any cross?

21 MR. CANNICK: None.

22 THE COURT: Okay, thank you so much. You can step
23 down.

24 THE WITNESS: Thank you.

25 (Witness steps down and was excused.)

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Proceedings

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1 MS. SHIHATA: Your Honor, I think we've run out of
2 witnesses for today.

3 THE COURT: Well, that's okay.

4 All right, so we are going to stop for today, but I
5 think we're moving along very well. So, we will see you
6 tomorrow at 9:30. Please don't talk about the case or read
7 any accounts or watch any television accounts, if there are
8 any, about the case at all. Don't talk about it with anybody,
9 but do have a good night and I'll see you tomorrow.

10 THE COURTROOM DEPUTY: All rise.

11 (Jury exits.)

12 THE COURT: All right, everybody can have a seat.
13 So, what do we anticipate tomorrow in terms of
14 witnesses?

15 MS. GEDDES: Can we approach, do you mind?

16 THE COURT: Sure. Do we need the reporter?

17 MS. GEDDES: No.

18 THE COURT: Okay.

19 (Sidebar held off the record with the Court and
20 counsel only.)

21 THE COURT: All right, we were just having a quick
22 conversation about scheduling.

23 And so, there is some uncertainty about how many
24 witnesses we will have tomorrow. And so, the Government is
25 going to let the defense know how many and who as soon as they

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1 possibly can.

2 So, I mean this happens during trials every once in
3 a while, so we will see where we are tomorrow. All right?

4 Okay, anything else that we need to put on the
5 record?

6 MR. CANNICK: Not from us, Your Honor.

7 THE COURT: Okay.

8 MS. GEDDES: Or us; thank you.

9 THE COURT: All right, thanks so much, everyone.

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13 (Matter adjourned to September 2, 2021 at 9:30 a.m.)

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